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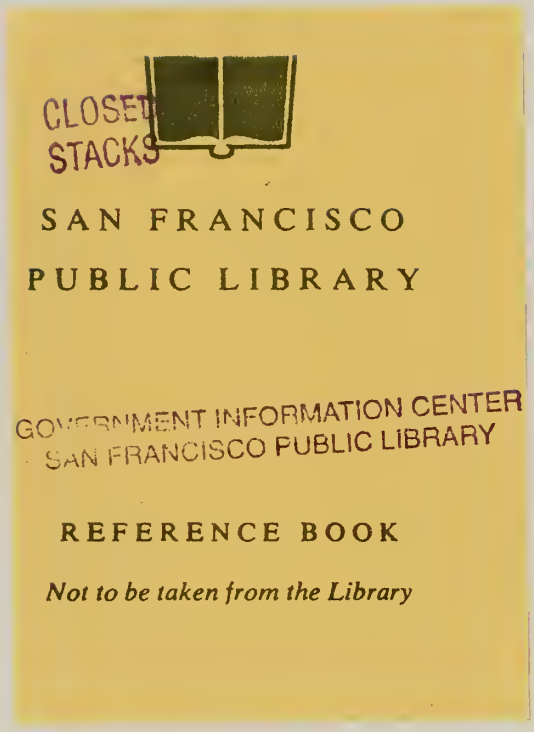
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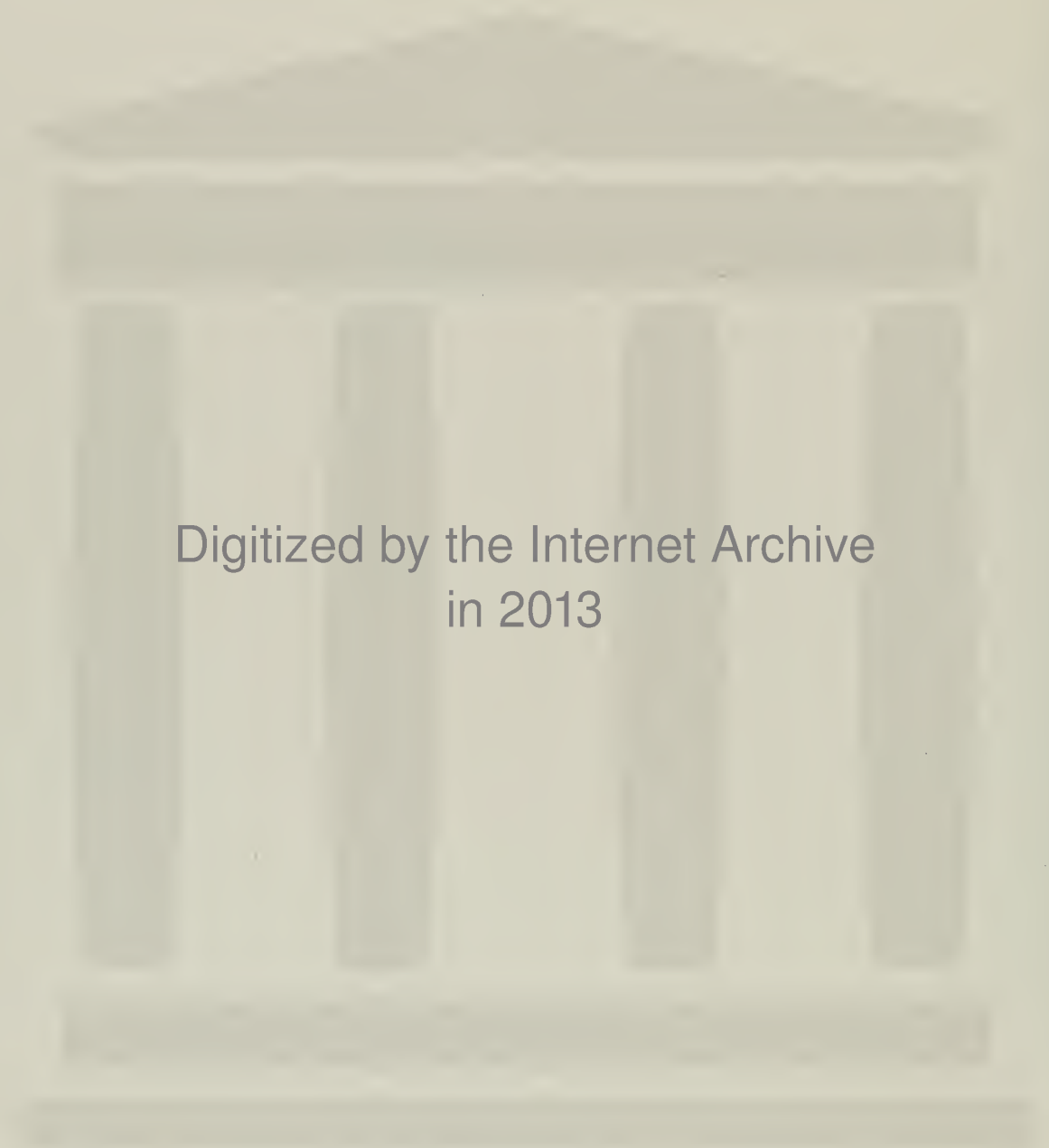

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 5, 1983
5:00 P.M., ROOM 282, CITY HALL

The meeting of the Board of Permit Appeals was called to order by President Louis J. Giraudo at 5:00 p.m.

Present were: President Louis J. Giraudo
Vice President Agripino R. Cerbatos
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime

Also present were: Mr. Don Lim for the Department of Public Works; Lawrence Wilson, Esq. and Officer Joseph Hession for the Police Department; Howard Lazar and Jacqulyn Hamilton for the San Francisco Art Commission; Claire C. Pilcher, Executive Director and Doris Levine, the official hearing reporter.

Executive Director Claire Pilcher gave the Board a letter from the Chief of Police giving the amendments to the Mechanical Amusement Device Ordinance.

The following was a request for rehearing:

APPEAL NO. 82-261

30 MILLER PLACE HOMEOWNERS ASSOCIATION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination of the Zoning Administrator on November 16, 1982, regarding variance for off-street parking at 30 Miller Place.

President Giraudo stated that he had received a phone call from Commissioner Jackson asking the Board to continue the request for rehearing until she returns. The Board agreed to do this, and the request for rehearing will be brought to the Board at the meeting of January 12, 1983.

The first matter to be heard by the Board from the regular calendar was:

APPEAL NO. 82-279

JAMES BAZIL, Appellant vs. ART COMMISSION, Respondent

Suspension on December 8, 1982, of street artist's permit for Embarcadero Center.

The Art Commission was represented by Howard Lazar and Jacqulyn Hamilton who explained to the Board that the reason for this suspension is that the appellant did not have the buckles attached to the leather belts. Mr. Bazil spoke in his own behalf, and told the Board that he took the buckles off the leather part of the belts every evening and reattached them every morning to keep them from being scratched. Following some further discussion, the Board voted 4 - 0 to concur with the Art Commission.

APPEAL NO. 82-229

LOUIS BONFIGLIO, dba "TRI DEVELOPMENT COMPANY," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 4, 1982, of permit to alter a building at 550 - 15th Street. (APPLICATION NO. 8201338)

This appeal has been heard by the Board several times. Therefore, the only reason it was before the Board at this time was to present the agreement reached between the appellants and the department as specified in the letter from Mr. Robert Levy, dated January 5, 1983. The Board then voted 4 - 0 to overrule the department with the stipulations set forth in the above-mentioned letter.

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APPEAL NO. 82-282

BARBARA A. PODRID, Appellant vs. POLICE DEPARTMENT, Respondent
Denial on December 10, 1982, of pushcart peddler's permit for Mission Street between Fremont and Beale Streets.

The Department was represented by Lawrence Wilson, Esq. and Officer Joseph Hession who stated that the reasons for the department's objection to this location was that it is within 7½ feet of the sprinkler standpipes and within 12 feet of the entrance to the Bechtel building. Robert James, Esq. attorney for the M & M Cafe supported the Police Department. Ms. Podrid, the appellant, denied this was so, and showed drawings specifying where the standpipes and entrances were in relation to her desired location. Following some further discussion, the Board voted 3 - 1 to overrule the department with President Giraudo voting to concur. As four votes are needed to overrule the department, the department was upheld and the permit denied.

APPEAL NO. 82-268

FRANK BROUSSARD, Appellant vs. DEPT. PUBLIC WORKS, Respondent
Imposition on November 30, 1982, of plumbing charge for work done at 1227 Twenty-Fifth Avenue. (LATE CHARGE NOTICE NO. 25479)

Mr. Don Lim represented the Department of Public Works, and explained that the appellant did not pick up his final permit. The appellant, Frank Broussard, represented himself, and stated that as he was a new contractor, he was not aware of the regulations for San Francisco. Following a short discussion, the Board voted 4 - 0 to overrule the department and to reduce the amount due to two times the permit fee of $40.00, for a total of $80.00.

APPEAL NO. 82-283

JOSEPH LANE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
Appealing for refund of penalty for building work at 665 Market Street. (APPLICATION NO. 8205362)

Mr. Don Lim represented the Department of Public Works, and explained that the proper permits had not been obtained. The appellant, Joseph Lane, stated that the building inspection, Mr. Jack Hayes, had told him to go ahead with the work. After some further discussion, the Board voted 4 - 0 to concur with the department, and the penalty was not reduced.

APPEAL NO. 82-280

MARK DUERING, dba "HOME HOTEL," Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL
Denial on December 10, 1982, of permit to alter a building at 68 Sixth Street. (APPLICATION NO. 8209695)

Mr. Don Lim represented the Department of Public Works and DAHI, and explained that the additional shower facility for women was necessary as there were four married couples in the hotel. The appellant, Mark Duering, was represented by his attorney, Brian McCauley, Esq. Mr. Pedro Yabut, one of the tenants, spoke in behalf of the appellant. Ms. Leah Rhode, the owner of the hotel was represented by her attorney, Gabriel M. Gesmer, Esq. After a lengthy discussion, the Board voted 4 - 0 to overrule the department with the following stipulations: (1) That the four married couples will be relocated to be on one floor; (2) That this floor will have separate shower rooms for men and women; (3) That the other floors will have the single male tenants only; and (4) That the appellant will be granted six months to obtain a permit and to build the additional bathroom facility.

As this was the final meeting for Vice President Cerbatos, President Louis Giraudo thanked him for serving on the Board. The other members joined in the good wishes and congratulations on his appointment to the Board of Education.

As there was no further business, the meeting was adjourned by President Giraudo at 7:00 p.m.

DATE: January 5, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JANUARY 26, 1983

5:00 P.M., ROOM 282, CITY HALL

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The regular meeting of the Board of Permit Appeals was called to order by President Louis J. Giraudo at 5:30 p.m.

Present were: President Louis J. Giraudo Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Mr. Robert Passmore, Zoning Administrator; Mr. Sidney Shaw, representing the Department of City Planning; Mr. Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Claire C. Pilcher, Executive Director; and Doris Levine, the official hearing reporter.

The first matter on the regular calendar was:

APPEAL NO. 82-261

30 MILLER PLACE HOMEOWNERS ASSOCIATION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination of the Zoning Administrator on 11/16/82 regarding variance for off-street parking at 30 Miller Place.

This matter was scheduled for rehearing. John Hardy, Esq., appeared for the appellant, and Neil Eisenberg, Esq., and Timothy Tosta, Esq., appeared as attorneys for the three homeowners who supported the determination of the Zoning Administrator. Mr. Edward Fleishell also spoke for the Homeowners Association. Mr. Passmore explained again his determination, and two parking engineers stated that 13 spaces could be provided if 8 cars were compact. After lengthy discussion and numerous questions by the commissioners, President Giraudo moved that the Zoning Administrator be overruled and stated his reasons. Vice President Jackson voted to concur with the Zoning Administrator, and Commissioners Engmann, Guggenhime and Berg voted to overrule. Therefore, the Zoning Administrator was overruled by a 4 to 1 vote.

APPEAL NO. 82-282

BARBARA PODRID, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on 12/10/82 of pushcart peddler's permit for Mission Street between Fremont and Beale Streets.

Upon this rehearing, Lawrence Wilson, Esq., spoke for the Police Department, as did representatives of competing businesses and the Hotel and Bartenders Union, who supported the denial of the pushcart peddler's permit. Ms. Podrid

then spoke in defense of the legality of her location. After discussion, the Board voted 3 to 2 to overrule the Police Department upon the motion of Commissioner Engmann, with President Giraudo and Vice President Jackson voting to uphold the Department and Commissioners Guggenhime and Berg voting to overrule. Four votes being required to overrule the Department, the permit was denied.

President Giraudo then left the meeting at 7:45 p.m. Vice President Jackson assumed the Chair.

APPEAL NO. 83-018

SPENCER J. THOMAS, dba "BRENTWOOD SHORT STOP," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on 1/7/83 of permit for three mehcanical amusement devices at 2145 Geneva Avenue.

The Police Department was again represented by Lawrence Wilson, Esq., and Spencer J. Thomas presented his own case. After discussion, Commissioner Guggenhime moved that the Department be overruled and that a six-month probationary permit for three additional machines be granted with the understanding that the permit will be renewed by the Police Department if there are no police problems. The vote was unanimous to overrule the Department with the stipulations.

APPEAL NO. 83-015

NORMAN WEISS, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on 1/7/83 of pushcart peddler's permit for northeast corner of Montgomery and Clay Streets.

Officer West of the Police Department testified that there was opposition to this location. Mr. de Vries spoke on behalf of Transamerica Corp. in support of the denial. After discussion about an alternative site at Sacramento and Battery Streets, the matter was continued for one week for clarification of the measurements to 2/2/83.

APPEAL 83-013

YOUNG MEN'S CHRISTAIN ASSOCIATION Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on 1/3/83 of permit to alter a building at 351 Turk Street. Application No. 8209377.

Mr. Don Lim stated the Department's requirements for dead bolts and peepholes in the doors to meet the security ordinance. Stewart Warren asked that the Y.M.C.A. be exempted from these requirements because the doors and jams would have to be replaced to accommodate the locks. After lengthy discussion,

a motion was made by Commissioner Guggenhime to overrule the Department with the stipulation that an application will be filed by 2/1/84 to meet the ordinance. The vote was unanimous (4 to 0) to overrule with the stipulations.

APPEAL NO. 83-014

CHARLES D. RUSHING, JR., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on 1/11/83 of permit to Jack Lapidos to alter a building at 307 Jersey Street.

Mr. Rushing stated that lot line windows were proposed, for which he had not given the required neighbor's consent. Another neighbor also spoke in opposition to the permit. In the absence of the permit holder, Commissioner Engmann moved to overrule the Department and deny the permit. The vote was unanimous.

APPEAL NO. 83-020

RONALD E. HOTHEM, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on 1/17/83 of permit to alter a building at 47 Osgood Place. Application No. 8300333.

Mr. Don Lim explained the need for the more restrictive wall requirements in this type of brick building. The architect, Philip Gietzen, Mrs. Bland Platt and the appellant then spoke with regard to the fire zone and landmark issues. Discussion followed as to alternatives for fire safety, after which the Board continued the meeting for one week to ascertain Mr. Levy's position.

APPEAL NO. 83-010

BARRY BLUE, dba "BLUE WALLSCAPES, INC.," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on 1/10/83 of permit to paint a sign at 2415 Van Ness Avenue. Application No. 8209598.

Mr. Sidney Shaw stated the objections of the Planning Department to this sign as did the Reverend of Holy Trinity Cathedral and others. Mr. Blue and Mr. Laub, the latter a one-half owner of the building, testified there had been a sign on the building for many years. In a previous appeal last year, Mr. Blue had stipulated that he would obliterate the sign. After discussion, upon motion of Commissioner Guggenhime the Board voted unanimously to uphold the Department.

APPEAL NO. 83-019

MIKE F. SCHMIDT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on 1/10/83 of permit to BANK OF AMERICA to alter a building at 831 Clement Street. Application No. 8208556.

Mr. Sidney Shaw explained the disapproval by the Planning Commission of the proposed branch bank because of the moritorium on Clement Street. Mr. Schmidt and Mr. Reynolds spoke for the bank describing the building and the proposal. After lengthy discussion, Commissioner Berg moved to overrule the Department. Commissioner Engmann stated that the guidelines were sacred, and voted to uphold the Department. Vice President Jackson and Commissioner Guggenhime also voted to overrule. Commissioner Engmann voted to concur as he felt that the guidelines were sacred and had been uniformly enforced. Four votes being required to overrule, the permit was denied and the City Planning Department upheld.

APPEAL NO. V83-017

THOMAS S. CRARY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on January 6, 1983 of off-street parking and rear yard variance at 293 Chenery Street.

Mr. Sidney Shaw explained why the Zoning Administrator felt the five conditions had not been met. Mr. Crary then presented the case for his client, Jeanne Burns, and asked that the Appeal and Decision be corrected to show her name as the appellant. After much discussion, Vice President Jackson moved to concur with the Zoning Administrator and the vote was unanimous.

The Board then adjourned the meeting at 11:20 p.m. in honor of Rita Lee, the secretary for the Board, and thanked her for her faithful service.

There being no further business, the meeting was adjourned by President Giraudo.

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, FEBRUARY 2, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by Vice President Mattie J. Jackson at 5:10 p.m.

Present were: Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

It was announced that President Louis J. Giraudo would arrive later in the meeting.

Also present were: Ms. Alice Barkley, Deputy City Attorney; Mr. Robert Passmore, Zoning Administrator; Mr. Sidney Shaw, Mr. Lucien Blazej and Ms. Barbara Sahm, representing the Department of City Planning; Mr. Don Lim, for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Ms. Claire C. Pilcher, Executive Director; and Ms. Doris Levine, the Official Hearing Reporter.

The first matter on the regular calendar was:

APPEAL NO. 83-024

ANDREA M. WAGNER, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent

Impositon of Penalty on January 21, 1983 for work done at 312 Sanchez Street. APPLICATION NO. 8206474.

Mr. Don Lim spoke on behalf of the Department of Public Works, stating that work was done on Appellant's property without a permit. Ms. Andrea M. Wagner stated that she was not responsible for the work done on her house. Commissioner Guggenhime moved to overrule the Department with the stipulation that the penalty be reduced to two times the permit fee, for a total amount due of $727.60. By unanimous vote the Board overruled the Department with said stipulation.

APPEAL NO. 82-286

JAMES L. HEIG, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent

Denial on December 30, 1982 of permit to alter a building at 95-99 Scott Street. APPLICATION NO. 8203646. For Further Hearing today.

Mr. Don Lim spoke on behalf of the Department stating that the height of rooms would have to meet standard codes. Mr. Heig explained that the floors would have to be lowered because of the structure of the ceilings not being feasible to raise. Commissioner Guggenhime moved to overrule the Department with the stipulation that the kitchen and living room be 7'6" in height, and the bedroom and hallway, 7'. By unanimous vote, the Department was overruled with the said stipulation.

President Louis J. Giraudo arrived at 5:25 p.m. and assumed the Chair.

The next to be heard were Matters for Consideration, the first being Adoption of Draft Findings of Fact:

APPEAL NO. 82-261

30 MILLER PLACE HOMEOWNERS ASSOCIATION, Appellant	vs.	ZONING ADMINISTRATOR, Respondent

Determination of the Zoning Administrator on November 16, 1982, regarding variance for off-street parking at 30 Miller Place.

The Board had voted 4 to 1 to overrule the Zoning Administrator on January 26, 1983 upon rehearing. After some discussion, the Board voted unanimously to accept the findings for the Appellant.

The second Matter for Consideration was a Request for Rehearing:

APPEAL NO. 83-006

HAROLD ALLEN PARKER, Appellant	vs.	DEPARTMENT OF PUBLIC WORKS, Respondent - CITY PLANNING DISAPPROVAL

Denial on January 6, 2983, of permit to alter a building at 2498 - 27th Avenue. APPLICATION NO. 8208388.

The Board had voted unanimously to uphold the Department of Public Works on January 19, 1983. After discussion between Commissioner Guggenhime and the Appellant, the Appellant stated that the reason for the denial was that there was no off-street parking at the location in question. Vice President Jackson moved to grant a rehearing. By unanimous vote of the Board, a rehearing was granted.

The next matter on the regular calendar to be heard was:

APPEAL NO. 83-015

NORMAN WEISS, Appellant	vs.	POLICE DEPARTMENT, Respondent HEALTH DEPARTMENT DISAPPROVAL

Denial on January 7, 1983 of pushcart peddler's permits for northeast corner of Montgomery and Clay Streets and northeast corner of Sacramento and Battery Streets.

This was on the calendar for further hearing. Lawrence Wilson, Esq. spoke for the Police Department. Mr. deVries spoke on behalf of Transamerica Corp. in support of the Department. Several merchants spoke in support of the Department. Walter Caplan, Esq. spoke re the Sacramento/Battery location in support of the Department. By a vote of 3 to 2 the Department was upheld and Appellant denied the permit for the Clay/Montgomery location; Commissioner Guggenhime moved to uphold the Department, President Giraudo and Vice President Jackson

also concurred, and Commissioners Engmann and Berg voted to overrule the Department. Upon motion of President Giraudo, the Board overruled the Department, granted the permit for the Sacramento/Battery location, with the stipulation that all Health Department and Fire Department requirements be met before issuance of the permit.

The next matters on the regular calendar to be heard were:

APPEAL NO. 83-026

FRANK WONG, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent

Denial on January 26, 1983 of permit to alter a building at 74 Sixth Street, APPLICATION NO. 8210430.

Mr. Don Lim spoke on behalf of the Department stating that a permit cannot be granted until the heating in the building meets the code. Mr. Frank Wong, and tenants in support of Appellant, spoke. President Giraudo continued the hearing for three weeks to February 23rd in which time appellant was instructed to obtain a certificate from an inspection company and present said certificate to Mr. Don Lim upon receipt.

APPEAL NO. 83-023

A. RUSSELL TAPLIN, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent - FIRE DEPARTMENT DISAPPROVAL - DAHI DISAPPROVAL

Denial on January 21, 1983 of permit to alter a building at 2170 Pacific Avenue, APPLICATION NO. 8209137.

Mr. Don Lim spoke on behalf of the Department stating that a sprinkler system was needed. Appellant stated that he had no objection to putting in a sprinkler system. President Giraudo moved to overrule the Department. By unanimous vote, the Department was overruled, with the stipulation that a sprinkler be installed to the satisfaction of the Department.

APPEAL NO. 83-021

PATRICK AND SUSAN E. RYAN, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent - CITY PLANNING APPROVAL

Protesting issuance on January 10, 1983 to Sun Yin and Linda Yue of a permit to alter a building at 454/56 - 28th Avenue.

The permit holders were not present. Mr. Sidney Shaw represented the Department. After much discussion that this structure is out of character with the rest of the neighborhood, President Giraudo moved to overrule the Department. In a vote of 4 to 1 the Department was overruled. Vice President Jackson had the concurring vote.

APPEAL NO. 83-016

ROBERT C. MEGANTZ, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent - CITY PLANNING DISAPPROVAL

Denial on January 7, 1983 of permit to alter a building at 349 Vallejo Street, APPLICATION NO. 8105686.

Mr. Sidney Shaw spoke on behalf of the Department stating that permit was requested for commercial use. Judith Robinson, V.P. of Telegraph Hills Dwellers, spoke on behalf of the Department. Appellant stated that he wants commercial use of part of the property for a music studio. Alexandra Martinetz spoke on in support of Appellant. President Giraudo moved to uphold the Department, Commissioners Berg and Engmann also concurred with the latter stipulating a request for rehearing; Vice President Jackson and Commissioner Guggenhime voted to overrule the Department. By a vote of 3 to 2 the Department was upheld.

APPEAL NO. 83-022

ERMA C. MILLER, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent - CITY PLANNING DISAPPROVAL

Protesting issuance on January 12, 1983 of permit to Harry Joe to alter a building at 1947 - 42nd Avenue, APPLICATION NO. 8207688.

After much discussion among the Board members regarding measurements, President Giraudo moved that the Department be upheld. By unanimous vote, the Department was upheld.

APPEAL NO. V83-025

ERNEST E. LEE, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on January 18, 1983 of off-street parking, rear yard and height of rear part of building variances sought at 1534 Mason Street.

Mr. Sidney Shaw spoke on behalf of the Department stating that lack of off-street parking was the major problem. Mr. Lee said that there was adequate parking space. Commissioner Engmann moved to concur with stipulations regarding the parking variance and to overrule with stipulations regarding the rear yard and height of rear part of building variances. By unanimous vote the Department was upheld re the parking variance with stipulations. By unanimous vote the Department was overruled re rear yard and height of rear part of building variances with stipulations.

President Giraudo recessed the Hearing for one-half hour.

The hearing resumed at 9:30 p.m., Mr. Giraudo apologizing for the late hour.

The first matter to be heard from the 7:00 p.m. calendar was:

APPEAL NO. 82-277

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent - CITY PLANNING APPROVAL

Protesting issuance on December 2, 1982 to Norland Properties of permit to erect a structure at 333 California Street, APPLICATION NO. 8107678.

A motion was made by President Giraudo to certify that the Board had read the E.I.R. It was so certified. Sue Hestor, Esq. spoke on behalf of SFRG. Ms. Barbara Sahm, Mr. Lu Blazej and Mr. Robert Passmore spoke on behalf of the Department. Zane Gresham, Esq. spoke on behalf of the permit holder in support of the Department. President Giraudo moved to uphold the Department. By a vote of 4 to 1 the Board upheld the Department, Commissioner Engmann voted to overrule.

APPEAL NO. 83-009

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent - CITY PLANNING APPROVAL

Protesting issuance on January 6, 1983 to Norland Properties of permit to erect a strucutre at 135 Main Street, APPLICATION NO. 8103722.

President Giraudo motioned to certify that the E.I.R. was read by the Board. It was so certified. Sue Hestor, Esq. spoke on behalf of SFRG. Ms. Barbara Sahm, Mr. Lu Blazej and Mr. Robert Passmore spoke in support of the Department. Zane Gresham, Esq. spoke on behalf of the permit holder in support of the Department. Vice President Jackson moved to uphold the Department, President Giraudo and Commissioner Berg also concurred, Commissioners Engmann and Guggenhime voted to overrule. By a vote of 3 to 2 the Board upheld the Department.

APPEAL NO. 82-281

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent - CITY PLANNING APPROVAL

Protesting issuance on December 10, 1982 to Southern Pacific Development Corporation of permit to erect a structure at 201 Spear Street.

President Giraudo motioned to certify that the Board had read the E.I.R. All Board members so certified except Commissioner Engmann; therefore, President Giraudo then moved that the hearing be continued to February 16th.

Executive Director Claire Pilcher announced that Vice President Mattie Jackson is being sworn in on February 9th.

There being no further business, the meeting was adjourned at 11:50 p.m. by President Giraudo.

Dated: February 2, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 16, 1983
5:00 P.M., ROOM 282, CITY HALL

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The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:25 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Mr. Robert Passmore, Zoning Administrator; Mr. Sidney Shaw and Barbara Sahm, representing the Department of City Planning; Mr. Don Lim, representing the Department of Public Works; Lawrence Wilson, Esq. and Michael J. Mahoney, representing the Police Department; Alice Barkley, Paula Jesson and Melba Yee, Deputy City Attorneys; Claire C. Pilcher, Executive Director; and Doris Levine, the Official Hearing Reporter.

The first matter to be heard on the regular calendar was:

APPEAL NO. 83-008

TRI-CALMO, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 30, 1982 to S. F. Federal Savings & Loan Association of permit to erect a structure at Post and Kearny Streets (50 Kearny Street). APPLICATION NO. 8700953.

President Giraudo announced that a continuance be granted. There being no objections, hearing was continued to March 9, 1983.

APPEAL NO. 82-250

DONALD J. TOAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on October 29, 1982 to Howard Bobren of permit to alter a building at 35-37 Telegraph Place. APPLICATION NO. 8203956.

Mr. Toan stated his case. Upon motion by Commissioner Guggenhime, the Board unanimously voted to overrule the Department, but granted the permit with the stipulation that "In no event shall the height of any structure . . . exceed a horizontal plane 31' 6" above the sidewalk . . . ." (Ken Freed, Esq. 2/15 letter)

The first two Matters for Consideration to be heard were Adoption of Findings of Fact:

APPEAL NO. 82-277

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on December 2, 1982 to Norland Properties of permit to erect a structure at 333 California Street. APPLICATION NO. 8107678.

President Giraudo stated that each member of the Board received and was asked to read the Findings of Fact. By a vote of 4 to 1 the Findings of Fact were adopted, Commissioner Engmann having voted no.

APPEAL NO. 83-009

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on January 6, 1983 to Norland Properties of permit to erect a structure at 135 Main Street. APPLICATION NO. 8103722.

President Giraudo announced that he is not satisfied with the Findings of Fact and asked that they be redrafted and considered next week. There being no objections, Adoption of Findings of Fact was continued to February 23, 1983.

The next Matters for Consideration to be heard were Requests for Rehearing:

APPEAL NO. 83-010

BARRY BLUE, dba "BLUE WALLSCAPES, INC.," Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING DISAPPROVAL

Denial on January 10, 1983 of permit to paint a sign at 2415 Van Ness Avenue. APPLICATION NO. 8209598.

Claire Pilcher announced that no new evidence had been presented since the hearing on January 26, 1983. President Giraudo asked for a motion. There being no motion, the rehearing was denied.

APPEAL NO. 83-014

CHARLES D. RUSHING, JR., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on January 11, 1983 to Jack Lapidos to alter a building at 307 Jersey Street.

Claire Pilcher and the Board discussed the late mailing of notice by the Department of Public Works to the permit holder. Upon motion of Commissioner Guggenhime the Board unanimously voted to grant a rehearing.

APPEAL NO. 82-277

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on December 2, 1982 to Norland Properties of permit to erect a structure at 333 California Street. APPLICATION NO. 8107678.

Letters from Sue Hestor, Esq., representing appellant, requesting rehearing, and from Morrison & Foerster, representing permit holder, were reviewed by the Board. There being no motion, the matter will not be reheard.

APPEAL NO. 83-009

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on January 6, 1983 to Norland Properties of permit to erect a structure at 135 Main Street. APPLICATION NO. 8103722.

Letters from Sue Hestor, Esq., representing appellant, and from Morrison & Foerster, representing permit holder, were reviewed by the Board. There being no motion, the matter will not be reheard.

APPEAL NO. 83-021

PATRICK AND SUSAN E. RYAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on January 10, 1983 to Sun Yin and Linda Yue of permit to alter a building at 454/56 - 28th Avenue. APPLICATION NO. 8204450.

Ms. Barkley reviewed in detail the procedures for forwarding notices. After a discussion regarding addresses of realtor and owner of property, President Giraudo, Vice President Jackson and Commissioner Berg voted yes, Commissioners Engmann and Guggenhime voted no. Four votes being needed for rehearing approval, the rehearing was denied.

The next two Matters for Consideration were Requests that the Board Take Jurisdiction Beyond the Ten-Day Appeal Period:

Salvador M. Garza, dba "A-C Auto Parts" - Application for Second-Hand Dealer (State) and Auto Wrecker (State) Permit.

Officer Mahoney spoke in support of the Department stating that letters regarding hearing were sent to home address on application. President Giraudo asked for a motion. There being no motion, the matter will not be heard.

Kevin J. Murphy - Protest of Permit No. 495121 (APPLICATION NO. 08204962) at 761 Duncan Street.

A letter from Mr. Murphy with signed petition was presented to the Board. Claire Pilcher stated for the record that the Board should determine if an appeal is to be taken after the ten-day appeal period, that there was an extension of time granted before, and that the property had been posted. President Giraudo asked for a motion. There being no motion, the matter will not be heard.

The next matters to be heard from the regular calendar were:

APPEAL NO. 83-029

SELIM A. MADBACK, dba "FRED'S SUPERETTE," Appellant vs. POLICE DEPARTMENT, Respondent CITY PLANNING DISAPPROVAL

Denial on January 24, 1983 of permit for mechanical amusement devices at 2249 Judah Street.

Lawrence Wilson, Esq. and Mr. Sidney Shaw spoke on behalf of the Departments stating that mechanical amusement devices are in violation of the Zoning Code. Mr. Madback spoke on his own behalf. After a lengthy discussion regarding the Code, Commissioner Guggenhime moved to overrule the Department and the remaining four Board members voted to uphold the Department and deny the permit.

APPEAL NO. 83-030

ISMAIL A. KHALEQ, dba "LA SALLE MARKET," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on January 31, 1983 of permit for mechanical amusement devices at 4500 - 3rd Street.

Lawrence Wilson, Esq., Officer Michael Mahoney and Mr. Ernesto Williams spoke on behalf of the Department stating that this was a problem area. Mr. Khaleq spoke on his own behalf. After a lengthy discussion, and upon motion of Vice President Jackson, the Board voted unanimously to uphold the Department and deny the permit.

APPEAL NO. 83-031

SOLAR PARTNERS, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on February 9, 1983 of permit to alter a building at 2590 - 29th Avenue. APPLICATION NO. 8210397.

Mr. Don Lim spoke on behalf of the Department stating the reason for the denial was health reasons. Mr. Gunther Bahrs spoke on behalf of appellant. Upon motion of President Giraudo regarding installation of solarium and spa, the Board unanimously voted to overrule the Department and allow the solarium. Upon motion of Commissioner Engmann, the Board unanimously upheld the Department as to the ceiling height in the proposed area for the new bedroom, Section 1701 of the San Francisco Building Code that the minimum ceiling height be 7'6".

APPEAL NO. 82-281

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 10, 1982 to Southern Pacific Development Corporation of permit to erect a structure at 201 Spear Street. APPLICATION NO. 8011113.

The Official Court Reporter swore in those who were going to testify. President Giraudo asked the Board to certify that all of the members had read the E.I.R. It was so certified. President Giraudo then stated that the Findings of Fact would be considered for adoption at the February 23rd meeting. Sue Hestor, Esq. and Messrs. Paul Gordenev, David Jones, Norman Rolfe and John Burke spoke in support of appellant. Mr. Passmore and Ms. Sahm spoke in support of the Department. After a lengthy discussion, President Giraudo moved to uphold the Department, Vice President Jackson voted to uphold the Department, with Commissioners Engmann, Guggenhime and Berg voting to overrule. Four votes being required to overrule, the Department was upheld and the permit was granted.

APPEAL NO. 83-038

ROBERT H. COHN, dba "WEST COAST SHOWS," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on February 10, 1983 for itinerant show permit at Portsmouth Square (Kearny and Washington Streets).

Lawrence Wilson, Esq. spoke on behalf of Chief Murphy giving testimony as per appellant's application. Antone G. Cincotta, Jr., Esq. and Lloyd J. Hilligoss, a competitor, spoke on behalf of appellant, as well as Mr. Dale King, President of the Chinese Chamber of Commerce. After a lengthy discussion, President Giraudo moved to overrule the Department. By a vote of 4 to 1 the Board voted to overrule the Department, with Commissioner Berg voting to uphold. Therefore, the permit was granted.

There being no further business, the meeting was adjourned by President Giraudo at 10:00 p.m.

Dated: February 16, 1983

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 23, 1983
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:15 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Ms. Alice Barkley, Deputy City Attorney; Mr. Lawrence Wilson for the Police Department; Mr. Sidney Shaw representing the Department of City Planning; Mr. Don Lim, for the Department of Public Works; Ms. Claire C. Pilcher, Executive Director; and Ms. Doris Levine, the Official Hearing Reporter.

Ms. Claire Pilcher announced that the Parkmerced appeals remanded from the Superior Court would be heard at the March 23, 1983 Board meeting, and then passed out Judge Pollack's decision in the matter and the administrative record for the Board members to read for the RECONSIDERATION OF REHEARING REQUEST.

The Matters for Consideration were heard first, adoption of Findings of Fact:

APPEAL NO. 83-009

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on January 6, 1983 to Norland Properties of permit to erect a strucutre at 135 Main Street. APPLICATION NO. 8103722. FOR RECONSIDERATION.

On February 2, 1983, by a vote of 3 to 2, the Board upheld the Department. On February 26, 1983 the Board denied a rehearing. The Board voted 4 to 1 to adopt the redrafted Findings of Fact, with Commissioner Engmann voting no.

APPEAL NO. 82-281

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on December 10, 1982 to Southern Pacific Development Corporation of permit to erect a structure at 201 Spear Street. APPLICATION NO. 8011113.

On February 16, 1983 the Board upheld the Department. Tonight the Board voted 4 to 1 to adopt the Findings of Fact, with Commissioner Engmann voting no.

The first matter to be heard from the regular calendar was:

APPEAL NO. 83-006

HAROLD ALLEN PARKER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 6, 1983 of permit to alter a building at 2498 - 27th Avenue. APPLICATION NO. 8208388. FOR REHEARING TODAY.

Mr. Sidney Shaw spoke in support of the Department, presenting new information. Mr. Harold Allen Parker spoke on his own behalf. Ms. Alice Barkley, in support of the Department, answered Board questions regarding the process of determining the legality of the second unit. Commissioner Engmann moved to uphold the Department, and Commissioner Berg likewise voted to uphold. The remaining three members voted to overrule. Four votes being necessary to overrule, the Department was upheld and the permit denied.

APPEAL NO. 83-014

CHARLES D. RUSHING, JR., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on January 11, 1983 to Jack Lapidos to alter a building at 307 Jersey Street. FOR REHEARING TODAY.

Mr. Don Lim spoke in support of the Department. Mr. Mark Parode and Mr. Jack Lapidos spoke in support of the Department. Mrs. Helen Rushing spoke in support of appellant. After a discussion regarding verbal consent of neighbor with regard to lot-line windows, and upon motion of President Giraudo, the Board unanimously voted to overrule the Department but grant the permit with the stipulation that there be no lot-line windows unless properly agreed to by the adjoining neighbors.

APPEAL NO. 83-035

MIKE IBRAHIM, dba "NILES AMUSEMENT," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on February 10, 1983 of permit for mechanical amusement devices at 2203 Geneva Avenue.

Mr. Lawrence Wilson spoke in support of the Department stating that interested parties who appeared at the Department hearing were not notified by his Department. President Giraudo moved to continue the matter to March 16, 1983.

APPEAL NO. 83-039

AMES-BILLINGSLEY COMPANY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT DISAPPROVAL

Denial on February 15, 1983 of permit to alter a building at 344 Ellis Street. APPLICATION NO. 8300342.

Mr. Don Lim spoke in support of the Department stating that the windows did not meet the Code but a sprinkler system would suffice. Mr. G. Goulet spoke in support of appellant. Upon motion of President Giraudo the Board unanimously voted to overrule the Department but grant the permit with the stipulation that token sprinkler heads be installed as approved by the Bureau of Building Inspection.

APPEAL NO. 83-026

FRANK WONG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on January 26, 1983 of permit to alter a building at 74 Sixth Street. APPLICATION NO. 8210430. FOR FURTHER HEARING TODAY.

Mr. Don Lim spoke in support of the Department stating that the certificate appellant was to submit with regard to heat in the hotel before today's hearing was submitted but it did not indicate that the requirements would be met. Mr. K. C. Patel spoke in support of appellant. Upon motion of President Giraudo, the Board unanimously voted to uphold the Department and deny the permit.

APPEAL NO. 83-033

YOSHI AND E. J. NOZAKI, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Appeal for refund of penalty for building work at 149 Noe Street. APPLICATION NO. 8210532.

Mr. Don Lim spoke in support of the Department stating that appellant had no permit to do the work. Ms. E. J. Nozaki spoke in support of appellant. Upon motion of Commissioner Guggenhime the Board unanimously voted to overrule the Department with the stipulation that appellants pay a reduced penalty of half the investigative fee, $141.52, plus permit fee of $31.45, for a total of $172.97 due the Department.

APPEAL NO. 83-034

ROBERT N. G. GREENE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protest issuance on February 1, 1983 to A. M. Kipar of permit to alter a building at 1703 Jones Street. APPLICATION NO. 8208997.

Mr. Robert Greene and Ms. Phyllis Miller spoke in support of appellant. Terence Hallinan, Esq. represented the permit holder and spoke in support of the Department. Messrs. Andrew Boro, George Boro, Phillippe Mutrux and A. M. Kipar also spoke in support of the Department, along with Mr. Sidney Shaw speaking for the Zoning Administrator. After a lengthy discussion, the Board voted 3 to 2 to uphold the Department and grant the permit. Commissioner Engmann moved to overrule and President Giraudo voted to overrule.

APPEAL NO. 83-012

MATTIE J. JACKSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 7, 1983 of permit to alter a building at 525 Belvedere Street. APPLICATION NO. 8103178.

President Giraudo stated that Vice President Jackson had asked to speak. Vice President Jackson stated that she had a conflict of interest in this matter and would like not to vote on the issue. The Board so voted. Mr. Shaw spoke in support of the Zoning Administrator. Phillip Siggins, Esq. represented the appellant. After a lengthy discussion regarding the process of determining the legality of the second unit, and upon motion of Commissioner Engmann, the Board unanimously voted to overrule the Department and grant the permit.

There being no further business, the meeting was adjourned at 8:30 p.m. by President Giraudo.

Dated: February 23, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 9, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:20 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

(Vice President Jackson arrived at 5:40 p.m.)

Also present were: Mr. Robert Passmore, Zoning Administrator; Mr. Sidney Shaw, Mr. Lucien Blazej and Ms. Barbara Sahm, representing the Department of City Planning; Mr. Don Lim, representing the Department of Public Works; Ms. Audrey Williams, architect for the project sponsor; Mr. Lawrence Wilson and Officer West, representing the Police Department; Ms. Alice Barkley, Depty City Attorney; Mr. Frank Patane, representing the Health Department; Claire C. Pilcher, Executive Director; and Doris Levine, the Official Hearing Reporter.

The first matter to be heard from the regular calendar, called out of order, was:

APPEAL NO. 83-042

TINNEY CHEUNG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for building work at 2355 - 46th Avenue. PLUMBING CHARGE NOTICE NO. 24993.

Mr. Don Lim spoke in support of the Department. Mr. Cheung spoke on his own behalf. After a lengthy discussion regarding receipt of penalty notice, and upon motion of Commissioner Engmann, the Board unanimously voted to uphold the Department. Vice President Jackson abstained from the vote, not having heard the testimony due to her late arrival in the matter.

APPEAL NO. 83-043

TINNEY CHEUNG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for building work at 821 Pacific Avenue. PLUMBING CHARGE NOTICE NO. 23793.

Mr. Don Lim spoke in support of the Department. Mr. Cheung spoke on his own behalf. Upon motion of President Giraudo, the Board voted 4 to 1 to uphold the Department. Commissioner Guggenhime voted to overrule the Department.

The next matters to be heard were Matters for Consideration.

REQUEST FOR CONTINUANCE:

APPEAL NO. 83-036

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on February 3, 1983 to Gerald D. Hines Interests of permit to erect a structure at 580 California Street. APPLICATION NO. 8202131S.

Attorney Sue Hestor, representing appellant, and Harold Ellman, Esq., representing the permit holder, discussed continuation of matter per request of appellant. Upon motion of President Giraudo, the Board unanimously voted to continue the matter to March 16, 1983.

REQUESTS FOR REHEARING:

APPEAL NO. 82-281

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on December 10, 1982 to Southern Pacific Development Corporation of permit to erect a structure at 201 Spear Street. APPLICATION NO. 8011113.

Attorney Sue Hestor spoke in support of the appellant's request. Robert Herr, Esq., representing the permit holder, and Deputy City Attorney Alice Barkley spoke in support of the Department. Upon motion of President Giraudo, the Board voted 3 to 2 to deny the rehearing, with Commissioners Guggenhime and Berg voting to grant the rehearing.

APPEAL NO. 83-039

AMES-BILLINGSLEY COMPANY, Appellant vs. DEPT. PUBLIC WORKS, Respondent FIRE DEPARTMENT DISAPPROVAL

Denial on February 15, 1983 of permit to alter a building at 344 Ellis Street. APPLICATION NO. 8300342.

President Giraudo asked for a motion. There being no motion, the matter will not be reheard.

APPEAL NO. 83-034

ROBERT N. G. GREENE, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protest issuance on February 1, 1983 to A. M. Kipar of permit to alter a building at 1703 Jones Street. APPLICATION NO. 8208997.

Mr. Sidney Shaw spoke in support of the Department. Upon motion of President Giraudo, the Board unanimously voted to grant a rehearing for March 16, 1983.

REMAND FROM SUPERIOR COURT:

APPEAL NO. 82-207

RICHARD J. WALL, dba "100 BROADWAY ASSOCIATES," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on September 29, 1982 of permit to alter a building at 100-120 Broadway. APPLICATION NO. 8204668. ORDER OF COURT THAT BOARD SET ASIDE ITS DECISION.

Ms. Claire Pilcher read into the record the Order of the Superior Court. Upon motion of President Giraudo, the Board unanimously voted to set aside the original Decision of the Board and reverse its Decision according to the Order of the Superior Court, and granted the permit.

The next two matters to be heard were Requests that the Board take Jurisdiction Beyond the Ten-Day Appeal Period:

Edith S. Medinas, dba "Outcall Massage Service," 1409 Taraval Street. Suspension of permit for ten days (March 1 thru 10, 1983).

President Giraudo asked for a motion. There being no motion, an appeal beyond the ten-day period will not be allowed.

Jesus Vigil, 673 Shotwell Street. Off-street parking variance denied January 5, 1983.

Mr. Shaw spoke in support of the Department. Upon motion of President Giraudo, the Board unanimously voted to allow the filing of the appeal beyond the ten-day appeal period.

The next Matter for Consideration to be heard was Request for Second Rehearing (Harold Parker - Appeal No. 83-006). Ms. Claire Pilcher read into the record letters pertaining to this second request and her written response. Upon motion of President Giraudo, the Board voted unanimously to deny the request for a second rehearing.

Mr. Lawrence Wilson introduced to the Board Michael Gash, Esq., a legal officer for the Police Department, newly arrived from New York. The Commissioners welcomed him, and Mr. Gash said he was looking forward to working with the Board in his new position.

The next matters to be heard from the regular calendar were:

APPEAL NO. 83-032

ANTHONY LOPEZ, dba "ESTA NOCHE," Appellant vs. POLICE DEPT., Respondent

Denial on January 31, 1983 of cabaret permit at 3079 - 16th Street.

Attorney Lawrence Wilson spoke in support of the Department. John Kouba, Esq., represented the appellant. Upon motion of President Giraudo, the Board unanimously voted to overrule the Department and grant the permit with the following stipulations: (1) that the permit be granted for a six-month period only; (2) that a security officer or guard be on duty between the hours of midnight and 6:00 a.m. on the weekends; (3) that there be compliance with all noise abatement standards; (4) that a special use permit be applied for and obtained within six months of this Decision; (5) that the six-month permit shall commence after meeting the above conditions; and (6) that a new permit be applied for, if desired, before the expiration of the six-month period.

APPEAL NO. 83-040

EPHRAIM SHARABI, Appellant vs. POLICE DEPT., Respondent

Denial on February 7, 1983 of pushcart peddler's permit for the southeast corner of Geary and Mason Streets.

Attorney Lawrence Wilson, Officer West, Mr. Jack Spencer and Mr. John Moore spoke in support of the Department. Roni Rotholz, Esq. and Mr. E. Sharabi spoke in support of the appellant. Upon motion of President Giraudo, the Board voted 4 to 1 to overrule the Department, Commissioner Engmann voting to uphold, with the following stipulations: (1) that the permit be granted for a six-month period only; (2) that all Health Department requirements be met before a permit is issued; and (3) that a new permit must be applied for well before the expiration of the six-month period.

APPEAL NO. 83-041

TALIB ALI ABU-ZAHRIYAH, dba "DAILY FOOD MARKET," Appellant vs. DEPT. PUBLIC HEALTH, Respondent

Revocation on February 17, 1983 of permit to operate a food preparation and service establishment at 1101 Silver Avenue.

Mr. Frank Patana appeared for the Department of Public Health stating that appellant now complies with the Health Code. Upon motion of Commissioner Engmann, the Board unanimously voted to overrule the Department.

APPEAL NO. 83-044

JOSEPHINE M. FONTILLAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on February 23, 1983 of permit to alter a building at 1855 Chruch Street. APPLICATION NO. 8202419.

Mr. Sidney Shaw spoke in support of the Department. Mrs. Fontillas spoke on her own behalf with regard to the third unit. Upon motion of Commissioner Berg, the Board unanimously voted to uphold the Department.

APPEAL NO. 83-008

TRI-CALMO, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance to San Francisco Federal Savings & Loan Association on December 30, 1982 of permit to erect a structure at Post and Kearny Streets (50 Kearny). APPLICATION NO. 8700953.

President Giraudo and Commissioner Guggenhime discussed with Deputy City Attorney Alice Barkley the possibility of their disqualifying themselves from this matter because of conflicts of interest. Both parties agreed that this would be a fair hearing if President Giraudo heard and voted upon the matter. The Board voted unanimously to allow Commissioner Guggenhime to disqualify himself, as his firm has a conflict. President Giraudo then asked the Board members to certify that they had each read the E.I.R. The Board so certified. Attorney Sue Hestor, Thomas Horn, Esq., and Ms. Victoria Hutchinson spoke in support of appellant. Tim Tosta, Esq., Neil Eisenberg, Esq., and Mr. Robert Passmore, Mr. Lucien Blazej and Ms. Barbara Sahm of City Planning, as well as architect Audrey Williams spoke in support of the Department. After a lengthy discussion, and upon motion of President Giraudo, the Board voted 2 to 2 to uphold the Department with the understanding that the Findings of Fact will be adopted at the March 16, 1983, meeting. Commissioners Engmann and Berg voted to overrule the Department. Therefore, the permit was upheld.

There being no further business, the meeting was adjourned by President Giraudo at 9:00 p.m.

Dated: March 9, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 16, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:00 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Ms. Alice Barkley, Deputy City Attorney; Lawrence Wilson, Esq. and Officer Mahoney, for the Police Department; Mr. Robert Passmore, Zoning Administrator, Barbara Sahm and Lucien Blazej, for the Department of City Planning; Mr. Don Lim, for the Department of Public Works; Ms. Claire C. Pilcher, Executive Director; and Ms. Doris Levine, the Official Hearing Reporter.

The first matters to be heard were Matters for Consideration:

REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN-DAY APPEAL PERIOD:

Paula Matlin - Masseuse I.D. Suspension - "Lee's Spa" - 461 Bush Street. Following discussion, and upon motion of President Giraudo, the Board voted unanimously to allow the filing of an appeal beyond the ten-day appeal period.

REMAND FROM SUPERIOR COURT:

APPEAL NO. 82-189

CRUZ LUNA, et al., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Issuance on August 24, 1982, to "1000 Montgomery Association" of permit to alter a building at 1000 Montgomery Street. APPLICATION NO. 8103556.

On October 27, 1982, the Board reheard the matter and voted 2 to 2 to uphold the Department. CONSIDERATION OF REQUEST FOR SECOND REHEARING PER ORDER OF SUPERIOR COURT.

Upon motion of President Giraudo the Board unanimously voted to deny request for rehearing and to direct the City Attorney to appeal the Order of the Superior Court.

The next matters to be heard were from the regular calendar:

APPEAL NO. 7703

PARKMERCED CORPORATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 17, 1976, of permit to alter a building at 200 Cardenas. APPLICATION NO. 463872. REMAND FROM SUPERIOR COURT FOR RECONSIDERATION OF REHEARING REQUEST.

President Giraudo asked the Board if the materials delivered to them in the matter had been received, and the Board members stated that they had all read the materials. President Giraudo moved that there was not enough new information to warrant a rehearing. The Board voted unanimously to deny the request for a rehearing.

APPEAL NO. 7704

PARKMERCED CORPORATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 17, 1976, of permit to alter a building at 402 Font Boulevard. APPLICATION NO. 463873. REMAND FROM SUPERIOR COURT REQUESTING REHEARING.

President Giraudo asked the members of the Board if the materials delivered to them in the matter had been read, and the Board members responded that they had read the material. President Giraudo moved that there was not enough new information to warrant a rehearing. The Board voted unanimously to deny the request for a rehearing.

APPEAL NO. 83-008

TRI-CALMO, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance to San Francisco Federal Savings & Loan Association on December 30, 1982, of permit to erect a structure at Post and Kearny Streets. (50 Kearny Street). APPLICATION NO. 8700953. ADOPTION OF FINDINGS OF FACT.

Ms. Alice Barkley read the changes made in the updated Findings. President Giraudo moved to accept the Findings as drafted and to have the Findings presented to the City Attorney's office for finalization. The Board voted 3 to 1 to accept the Findings. Commissioner Engmann voted not to accept the Findings; Commissioner Guggenhime abstained from the vote because he was not present for the discussion.

APPEAL NO. 83-045

JESUS MENDOZA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of plumbing penalty for work done at 850 Madrid Street. APPLICATION NO. 8300367.

Mr. Don Lim spoke in support of the Department stating that work was done without a permit. Mr. Mendoza spoke on his own behalf. Upon motion of President Giraudo the Board voted unanimously to reduce the fee to two times the regular fee, for a total of $438.00.

APPEAL NO. 83-036

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 3, 1983 to Gerald D. Hines Interests of permit to erect a structure at 580 California Street. APPLICATION NO. 8202131S.

President Giraudo asked the Board members to certify that the EIR was read by them. The Board members so certified. Those who were to testify in the matter were then sworn in by the Official Court Reporter, Ms. Doris Levine. Sue C. Hestor, Esq., and Mr. Woo spoke in support of appellant. Mr. Robert Passmore, Ms. Barbara Sahm, Mr. Lucien Blazej and Howard N. Ellman, Esq., representing the policy holder, spoke in support of appellant. Deputy City Attorney Alice Barkley was also present and gave advice to the Board. Upon motion of President Giraudo, the Board voted 4 to 1 to uphold the Department. Commissioner Engmann voted to overrule. President Giraudo then stated that the Findings would be considered for adoption at the March 23, 1983, meeting.

APPEAL NO. 83-035

MIKE IBRAHIM, dba "NILES AMUSEMENT," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on February 10, 1983, of permit for mechanical amusement devices at 2203 Geneva Avenue.

Lawrence Wilson, Esq., and Officer Mahoney, of the Police Department, and Ms. Donna Johnson and Carol Yoshida, interested neighbors, spoke in support of the Department. Mr. Mike Ibrahim spoke on his own behalf. Upon motion of President Giraudo the Board voted 3 to 1 to uphold the Department and deny the permit. Vice President Jackson voted to overrule. Commissioner Guggenhime was absent for the vote, having left the meeting preceding this appeal.

APPEAL NO. 83-046

SIU KWAN, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on February 28, 1983 of peddler's permit (dried food) in front of 795 Pacific Avenue.

Mr. Lawrence Wilson and Officer Mahoney spoke in support of the Department. Ms. Siu Kwan spoke on her own behalf. Upon motion of President Giraudo the Board unanimously voted to uphold the Department and deny the permit with the stipulation that the Police Department has ten days from the date of this Decision in which to find another location for appellant, and further stipulated that if at the end of said period another location cannot be found, a rehearing will be granted upon request. Commissioner Guggenhime was absent from the vote.

Dated: March 16, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 23, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:25 p.m.

Present were: President Louis J. Giraudo
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Vice President Mattie J. Jackson was absent.

Also present were: Ms. Alice Barkley, Deputy City Attorney; Mr. Don Lim of the Department of Public Works; Mr. Sidney Shaw of the Department of City Planning; Ms. Claire C. Pilcher, Executive Director; and Ms. Doris Levine, Official Hearing Reporter.

The first matter to be heard from the regular calendar was:

ADOPTION OF FINDINGS OF FACT:

APPEAL NO. 83-036

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 3, 1983 to Gerald D. Hines Interests of permit to erect a strucutre at 580 California Street. APPLICATION NO. 8202131S.

On March 16, 1983 the Board voted 4 to 1 to uphold the Department. Ms. Alice Barkley, Deputy City Attorney, read into the record minor typographical corrections made on the Findings. By a vote of 3 to 1 the Board adopted the Findings, with Commissioner Engmann voting no.

The next matters to be heard from the regular calendar were:

APPEAL NO. 83-047

MIKE SARFATY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing imposition of penalty on March 10, 1983 for work done at 741-743 Castro Street.

Mr. Don Lim spoke in support of the Department stating that work was done without a permit. Mr. Mike Sarfaty spoke on his own behalf. Upon motion of Commissioner Engmann the Board unanimously voted to overrule the Department, with the stipulation that a penalty be paid of one-half the investigation fee, $141.53, plus the regular fee of $31.45, for a total of $172.98.

APPEAL NO. 83-048

DINWIDDIE CONSTRUCTION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for building work at Three Embarcadero Center, 16th Floor. APPLICATION NO. 8301503.

Mr. Don Lim spoke in support of the Department stating that work was done without a permit. Mr. Peter Goldsmith spoke in support of appellant. After discussion and upon motion of Commissioner Engmann, the Board unanimously voted to uphold the Department.

APPEAL NO. 83-049

CLINTON EVANS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing disapproval on March 10, 1983 for plumbing work done at 711 Buchanan Street. PLUMBING PERMIT NO. 194582.

The appellant was not present. Don Lim explained that the matter should be heard by the Board of Examiners. President Giraudo instructed Ms. Claire C. Pilcher, Executive Director, to notify appellant that he should file a claim for a refund of his filing fee, as this matter is not within the jurisdiction of the Board of Permit Appeals, and will not be heard by the Board. It was so agreed unanimously by the Board.

APPEAL NO. 83-054

MANIA HAMPEL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT DISAPPROVAL

Denial on March 9, 1983 of permit to alter a building at 337 Hyde Street. APPLICATION NO. 8209490.

Mr. Don Lim of the Department of Public Works stated that wood studs were not removed from the structure, and did not meet the code. Ms. Mania Hampel spoke on her own behalf, and contractor Manuel Correia also spoke in support of the appellant, along with Ms. Bela Kopik. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department.

APPEAL NO. 83-053

PAUL TULLIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on March 14, 1983 of permit to alter a building at 4400 - 18th Street. APPLICATION NO. 8300452.

Mr. Sidney Shaw spoke in support of the Department. Mr. Don Lim answered questions of the Board regarding definition of terms on the original application. Thomas J. LaLanne, Esq., represented the appellant. After a lengthy discussion, Commissioner Engmann moved that there be a site inspection on March 29, 1983, at 5:00 p.m., to determine if the work done on the property exceeds the approved plans on the original application, and that the matter be set for further hearing March 30, 1983. It was so agreed unanimously by the Board.

APPEAL NO. 83-055

JOY M. McLEMORE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 4, 1983 of permit to Walter Palmer to alter a building at 23 Alta Street. APPLICATION NO. 08206591.

Ms. Joy M. McLemore spoke on her own behalf. Mr. Sidney Shaw spoke in support of the Department, along with the permit holder, Mr. Walter Palmer. After discussion, President Giraudo moved that the Department be upheld, and the vote was unanimous.

APPEAL NO. V83-056

STANLEY DINTCHO, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on March 7, 1983 of permit to convert attic to dwelling unit without off-street parking variance at 2250 Union Street.

Ms. Sidney Shaw of the Department of City Planning and Mr. James A. Kelly, an adjoining property owner, spoke in support of the Department. Stanley Dintcho, D.D.S., spoke on his own behalf. After a lengthy discussion regarding the necessity of appellant obtaining a long-term parking lease, President Giraudo moved that the Department be upheld. By unanimous vote, the Board upheld the Department.

There being no further business, the meeting was adjourned by President Giraudo at 7:00 p.m.

Dated: March 23, 1983

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 30, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:15 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Mr. Don Lim of the Department of Public Works; Mr. Robert Passmore, Zoning Administrator; Mr. Sidney Shaw of the City Planning Department; Deputy City Attorney Alice Barkley; Mr. Mark Chang, Health Department; Ms. Claire C. Pilcher, Executive Director; and Ms. Doris Levine, Official Hearing Reporter.

The first matters to be heard were Matters for Consideration:

REQUEST FOR REHEARING:

APPEAL NO. 83-008

TRI-CALMO, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance to San Francisco Federal Savings & Loan Association on December 30, 1982 of permit to erect a structure at Post and Kearny Streets (50 Kearny). APPLICATION NO. 8700953.

On March 9, 1983 the Board voted 2 to 2 to uphold the Department. On March 16, 1983 the Board adopted the Findings of Fact.

President Giraudo asked for a motion. There being no motion, the matter will not be heard.

SECOND REQUEST FOR SECOND REHEARING:

APPEAL NO. 83-006

HAROLD ALLEN PARKER, ESQ., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 6, 1983 of permit to alter a building at 2498 - 27th Avenue. APPLICATION NO. 8208388.

On January 19, 1983, the Board unanimously voted to uphold the Department. On February 23, 1983, the matter was reheard and the Board voted to uphold the Department, 4 votes being needed to overrule in the 3 to 2 vote. On March 9, 1983, the Board unanimously denied request for second rehearing.

It was requested by appellant that denial of request for second rehearing by the Board be made a part of the public record. President Giraudo stated that the reason the request for second rehearing was denied was because there is only one rehearing allowed, and that if appellant is not satisfied with the Decision of the Board, the appellant should go to Superior Court. There being no motion to grant a second rehearing, the matter will not be heard.

REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN-DAY APPEAL PERIOD:

Allied Jitney Drivers Association - Cirilo M. DeGuzman and Leonilo Cabahit. Denial of permits to operate jitney buses on Mission Street.

Diosdado S. Reyes - Denial of permit to operate jitney bus on Mission Street.

Upon recommendation of Ms. Claire C. Pilcher, President Giraudo moved that both requests be granted. The Board unanimously agreed.

The next matters to be heard were from the regular calendar:

APPEAL NO. 83-034

ROBERT N. G. GREENE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 1, 1983 to A. M. Kipar of permit to alter a building at 1701 Jones Street. APPLICATION NO. 8208997. FOR REHEARING TODAY.

Philip J. Siggins, Esq., representing appellant, as well as Ms. Ruby Tom, a representative of Russian Hill Neighbors Association, and Ms. Lauren Tom, a neighbor, spoke in support of appellant's position that the non-conforming commercial use had been abandoned. Terence Hallinan, Esq., representing permit holder, and Mr. Sidney Shaw, City Planning, spoke in support of the Department. Mr. Robert Passmore was asked to explain his letter regarding new facts. A lengthy discussion of conditional use and the parking situation followed. The Board voted 3 to 2 to uphold the Department. Commissioner Engmann motioned to overrule and President Giraudo voted to overrule.

APPEAL NO. 83-052

TOBY SCOTT, dba "FROM FRUITS TO NUTS," Appellant vs. DEPT. PUBLIC HEALTH, Respondent

Denial on March 3, 1983 of permit for a retail food production and marketing establishment at 50 Post Street.

Mr. Mark Chang of the Health Department spoke in support of the Department. Mr. Don Lim, Department of Public Works, answered questions of the Board regarding procedure for applying for a permit. Ms. Toby Scott spoke on her own behalf. Commissioner Engmann moved to continue for Further Hearing to April 13, 1983, at which time the appellant is to bring application, plans, etc., so that the Board can determine the classification of store and correct routing of application to Health Department from Department of Public Works.

APPEAL NO. 83-053

PAUL TULLIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on March 14, 1983 of permit to alter a building at 4400 - 18th Street. APPLICATION NO. 8300452. FOR FURTHER HEARING TODAY.

Thomas LaLanne, Esq., representing appellant, Mr. Paul Tullis and a neighbor spoke in support of appellant. Mr. Don Lim spoke in support of the Department. After a lengthy discussion regarding findings from the site inspection, the Board requested that the matter be continued to April 13, 1983 for Further Hearing, at which time appellant is to bring in bills and other documents so the Board can determine costs before and after expiration of original permit.

APPEAL NO. 83-064

JERRY PRILL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for building work at 63 Ellis Street. APPLICATION NO. 8301022.

Mr. Don Lim spoke in support of the Department. Mr. Jerry Prill spoke on his own behalf. After some discussion, the Board requested that the matter be continued to April 13, 1983 for Further Hearing, at which time Mr. Don Lim is to bring in documentary evidence to support the Department's position.

APPEAL NO. 83-069

FRANK YUEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for building work at 135 Lakeshore Drive. APPLICATION NO. 8301906.

Mr. Don Lim spoke in support of the Department. Mr. Frank Yuen spoke on his own behalf. Upon motion of President Giraudo, the Board unanimously voted to overrule the Department with the stipulation that a reduced investigative fee in the amount of $225.00, plus the regular fee of $132.60, be paid, for a total of $357.60.

APPEAL NOS. 83-058 thru 83-061

ZEV BEN-SIMON dba "GILCO CONSTRUCTION CO.," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for building work at 1981-A, 1981-B, 1981-C and 1981-D Funston Street, respectively. APPLICATION NOS. 8205993, 8205992, 8205991 and 8205990, respectively.

Mr. Don Lim spoke in support of Department. Mr. Zev Ben-Simon and Mr. Fred Bollo, contractor, spoke in support of appellant. Upon motion of Commissioner Berg, the Board voted 4 to 1 to uphold the Department. Commissioner Engmann voted to overrule.

APPEAL NO. 83-065

JOHN MICHAEL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance to Mike Sarfaty on March 10, 1983 of permit to alter a building at 741-743 Castro Street. APPLICATION NO. 8301267.

Mr. John Michael spoke on his own behalf and Mr. Scott Swanson supported appellant. Mr. Don Lim, Mr. Sidney Shaw and Mr. Mike Sarfaty, permit holder, spoke in support of the Department. Upon motion of President Giraudo, the Board unanimously voted to uphold the Department.

APPEAL NO. 83-063

SUN LEE LEW, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Determination of the Zoning Administrator on March 10, 1983 disapproving building permit application for work at 766 Union Street. APPLICATION NO. 8203627.

Mr. Sidney Shaw, representing the Zoning Administrator, spoke in support of the Department, as well as Mr. Don Lim who answered technical questions. Mr. Lyman Low spoke in support of the appellant. Upon motion of Commissioner Engmann, the Board unanimously voted to overrule the Department.

SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS
SITE INSPECTION

APPEAL NO. 83-053

PAUL TULLIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on March 14, 1983 of permit to alter a building at 4400 - 18th Street. APPLICATION NO. 8300452.

A site inspection was held at this location on Tuesday, March 29, 1983 at 5:00 p.m. Commissioners Engmann, Guggenhime and Berg were present.

Dated: March 30, 1983

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 13, 1983
5:00 P.M., ROOM 282, CITY HALL

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The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:20 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Vice President Mattie Jackson arrived at 5:30 p.m.

Also present were: Deputy City Attorneys Alice Barkley and Diane Hermann; Mr. Don Lim of the Department of Public Works; Zoning Administrator Robert Passmore; Mr. Sidney Shaw, Mr. Lucien Blazej and Ms. Barbara Sahm, representing Department of City Planning; Lawrence Wilson, Esq., and Officer Farrell Suslow of the Police Department; Messrs. Mark Chang, Paul Schwabacher, Jack Breslin and Bill Nall, representing the Public Health Department; Mr. Mark Doan, Senior Attorney, Redevelopment Agency; Ms. Claire C. Pilcher, Executive Director; and Ms. Doris Levine, Official Hearing Reporter.

The first matter to be heard was:

REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN-DAY APPEAL PERIOD:

Antonio David - Denial of permit to operate a jitney bus on Mission Street. After discussion, President Giraudo moved to hear the matter.

The next matters to be heard were from the regular calendar:

APPEAL NO. 83-052

TOBY SCOTT, dba "FROM FRUITS TO NUTS," Appellant, vs. DEPT. PUBLIC HEALTH, Respondent.

Denial on March 3, 1983, of permit for a retail food production and marketing establishment at 50 Post Street. FOR FURTHER HEARING TODAY.

Ms. Claire C. Pilcher stated that she had visited the premises and described what she had seen. Mr. Mark Chang spoke in support of the Health Department. Upon motion of President Giraudo, the Board voted 4 to 0 to uphold the Department and deny the permit. Vice President Jackson was absent from the vote due to late arrival.

APPEAL NO. 83-072

RONALD P. SCHOOP, Appellant, vs. DEPT. PUBLIC HEALTH, Respondent.

Denial on March 17, 1983, of permit to operate hot dog and BBQ meat pushcart at Ferry Bldg.

Messrs. Paul Schwabacher and Jack Breslin spoke in support of the Department. Pamela Duffy, Esq., represented the appellant. President Giraudo moved to have a site inspection on April 19, 1983, at 8:00 a.m. to inspect the cart, and to continue the appeal for Further Hearing on April 20, 1983, at which time the Department is to furnish plans presented to them by appellant.

APPEAL NO. 83-074

WILLIE AND EMILY SANDERS, dba "CLAYTON STREET CENTER," Appellant, vs. DEPT. PUBLIC HEALTH, Respondent.

Denial on March 29, 1983, of permit for food preparation and service facility at 735-737 Clayton Street.

Ms. Alice Barkley, Deputy City Attorney, Ms. Dianne Hermann, Deputy City Attorney, and Mr. Paul Schwabacher and Mr. Bill Nall of the Health Department spoke in support of the Department. Taylor Culver, Esq., represented appellant. After a lengthy discussion, it was determined that the appellant withdraw the appeal, with conditions.

APPEAL NO. 83-053

PAUL TULLIS, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.
CITY PLANNING DISAPPROVAL

Denial on March 14, 1983, of permit to alter a building at 4400 - 18th Street. FOR FURTHER HEARING TODAY.

Mr. Sidney Shaw spoke in support of the Department. Thomas LaLanne, Esq., represented the appellant. Upon motion of Commissioner Engmann, the Board voted unanimously to overrule the Department with the following stipulations: (1) appellant is to grant and record an easement to the owners of the adjoining property at 86-90 Eureka Street, as follows: (a) they shall have the right of ingress and egress through the rear yard of the subject property for the purpose of maintenance of their lot line wall; (b) appellant shall make no further encroachments on the rear yard of the subject property for the life of the present structure; (2) appellant shall repair any damage to and paint the lot line wall that abuts the subject property; and (3) appellant shall complete construction on the rear lot structure in accordance with the plan originally approved by the Department of Public Works. It was agreed that Findings of Fact would be furnished by appellant's counsel.

APPEAL NO. 83-064

JERRY PRILL, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Appealing for refund of penalty for building work at 63 Ellis Street. APPLICATION NO. 8301022. FUR FURTHER HEARING TODAY.

Mr. Don Lim spoke in support of the Department. Mr. Jerry Prill spoke on his own behalf. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that a reduced fee of half the investigative fee, $500.00, plus the regular fee of $147.05 be paid, for a total of $647.05.

APPEAL NO. 83-077

INDIAN ROCK CONSTRUCTION, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Imposition of penalty on March 30, 1983 for work done at 635 - 32nd Avenue. PLUMBING CHARGE NO. 24765.

Mr. Don Lim spoke in support of the Department. Mr. Craig Reese, owner, spoke in support of the appellant. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department.

APPEAL NO. 83-075

RICHARD DUNCAN, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Imposition of penalty on March 29, 1983, for work done at 15 Lincoln Way. APPLICATION NO. 8208243.

Mr. Don Lim spoke in support of the Department stating that work was done without a permit. Mr. Richard Duncan spoke on his own behalf. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that a reduced penalty of only two times the regular fee be paid, for a total of $294.10.

APPEAL NO. 83-066

EDUARDO DE LA CRUZ, Appellant, vs. POLICE COMMISSION, Respondent.

Denial on March 11, 1983, of permit to operate a jitney bus on Mission Street.

Lawrence Wilson, Esq., and Officer Farrell Suslow spoke in support of the Commission. Mr. Eduardo DeLaCruz spoke on his own behalf. President Giraudo moved that the matter be continued for Further Hearing on April 20, 1983, at which time the Commission is to bring in all documentation regarding lack of public necessity for having more jitneys. The PUC is to be contacted regarding the April 20, 1983, hearing.

APPEAL NO. 83-050

KEUM JU POTRATZ, dba "LEE'S SPA," Appellant, vs. POLICE DEPT., Respondent.

Revocation on February 28, 1983, of massage establishment permit at 461 Bush Street. Lawrence Wilson, Esq., spoke in support of the Department. Peter Goodman, Esq., represented the appellant. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that a reduced suspension (the closing of business for five consecutive Wednesdays for 24 hours beginning with Wednesday, April 20, 1983) be imposed

APPEAL NO. 83-073

PAULA J. MATLIN, Appellant, vs. POLICE DEPT., Respondent.

Revocation on February 28, 1983, of masseuse permit at 461 Bush Street (Lee's Spa).

Lawrence Wilson, Esq., spoke in support of the Department. Dennis Natali, Esq., represented the appellant. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department.

APPEAL NO. 83-078

MOUSA ISSA HUSARY, dba "FRANK'S MISSION LIQUORS," Appellant, vs. POLICE DEPT., Respondent.

Denial on March 25, 1983, of permit for mechanical amusement devices at 4004 Mission Street.

Lawrence Wilson, Esq., Police Department, and Sister Repak spoke in support of the Department Mousa Husary, Hanna Freij and Raymond Totah spoke in support of appellant. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that only a six-month permit be granted during which time the mechanical amusement devices are not to be operable before 4:00 p.m. on school days.

APPEAL NO. 83-062

PATRICIA SILVER, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Denial on March 18, 1983, of permit to alter a building at 1011 Green Street. APPLICATION NO. 8301801.

Mr. Don Lim, Mr. Justin Firenze and Mrs. Georgina Firenze spoke in support of the Department. Richard Weinstein, Esq., and Patricia Silver spoke in support of the appellant. President Giraudo moved that the matter be continued for Further Hearing on April 20, 1983, at which time Mr. Don Lim will bring to the meeting the results of lattice measurements.

APPEAL NO. V83-070

JESUS VIGIL, Appellant, vs. ZONING ADMINISTRATOR, Respondent.

Denial on January 18, 1983, of legalization of existing third dwelling unit at 673 Shotwell Street, without providing off-street parking variance required.

Mr. Sidney Shaw and Ms. Alice Barkley spoke in support of the Department. Brian Beckwith, Esq., represented the appellant. After a lengthy discussion regarding the third dwelling legalization in 1969, and upon motion of President Giraudo, the Board unanimously voted to overrule the Zoning Administrator, stating that the 1969 decision stands. Ms. Claire C. Pilcher to approve and forward application to Department of Public Works.

APPEAL NO. 83-079

NGO THAM, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.
CITY PLANNING DISAPPROVAL

Denial on March 23, 1983, of permit to alter a building at 505 Ellis Street. APPLICATION NO. 8301824.

Mr. Sidney Shaw spoke in support of the Department. Mr. Ngo Tham spoke on his own behalf. Upon motion of Commissioner Guggenhime, the Board voted unanimously to overrule the Department with the stipulation that new awning fabric be put over old frames at 501 Ellis Street; no awning to be put over fish market at 505 Ellis Street.

APPEAL NO. 83-067

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.
CITY PLANNING APPROVAL

Protesting issuance on March 11, 1983, to Highfield Holdings of permit to erect a structure at 90 New Montgomery. APPLICATION NO. 8201153S.

Sue C. Hestor, Esq., represented appellant. Mr. Robert Passmore, Zoning Administrator, Mr. Lucien Blazej, Ms. Barbara Sahm and Rosemary Sullivan, Esq., representing the permit holder, spoke in support of the Department. Upon motion of President Giraudo, the Board voted 4 to 1 to uphold the Department. Commissioner Engmann voted to overrule. Findings of Fact to be adopted at the April 27, 1983, meeting.

APPEAL NO. 83-068

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Protesting issuance on March 11, 1983, to Wealth Investment of permit to erect a structure at 1378 Sutter Street. APPLICATION NO. 8201776S.

Ms. Alice Barkley, Deputy City Attorney, and Mr. Mark Doan, Senior Attorney, Redevelopment Agency, Peter Brown, Esq., representing permit holder, and Mr. Arnold Townsend, consultant to permit holder, spoke in support of the Department. Sue C. Hestor, Esq., represented appellant. President Giraudo moved that the matter be continued for Further Hearing on April 20, 1983, at which time the Department's documents be presented; approved site plan of Redevelopment Agency to be presented to Sue C. Hestor, Esq., prior to the meeting.

There being no further business, the meeting was adjourned by President Giraudo at 10:30 p.m.

SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS
(EXECUTIVE SESSION)
WEDNESDAY, APRIL 13, 1983
4:15 P.M., ROOM 206, CITY HALL

n Executive Session was held.

resent were: Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

he following matters were discussed by the Board:

APPEAL NO. 82-150

. ARNDT, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.
CITY PLANNING DISAPPROVAL

enial on July 7, 1982 of permit to erect a structure at 161-163 Peralta Avenue. At rehearng August 4, 1982, the Board voted 3 to 2 to uphold the Department. Commissioners Jackson nd Guggenhime voted to overrule the Department. Writ filed by appellant.

he Board instructed the City Attorney's office to defend the appeal.

APPEAL NO. 82-189

RUZ LUNA, et al., Appellant, vs. DEPT. PUBLIC WORKS, Respondent.
CITY PLANNING APPROVAL

rotesting issuance on August 24, 1982, of permit to "1000 Montgomery Association" for buildng work at 1000 Montgomery Street. At rehearing October 27, 1982, the Board voted 2 to 2 to hold the Department. Commissioners Cerbatos and Jackson voted to overrule and Commissioner ngmann was absent. Return to Court due.

fter a lengthy discussion, it was decided to hear the REMAND FROM SUPERIOR COURT at the egular Board meeting on April 20, 1983.

he following matters were discussed for information only:

APPEAL NO. 82-281

N FRANCISCANS FOR REASONABLE vs. DEPT. PUBLIC WORKS, Respondent.
OWTH, Appellant, CITY PLANNING APPROVAL

otesting issuance on December 10, 1982, of permit to Southern Pacific Development Company erect a structure at 201 Spear Street. On February 16, 1983, the Board voted to uphold e Department, four votes being needed to overrule in the 3 to 2 vote. Commissioners raudo and Jackson voted to uphold. Rehearing denied on March 9, 1983. Writ filed by e C. Hestor, Esq.

APPEAL NO. 83-009

N FRANCISCANS FOR REASONABLE vs. DEPT. PUBLIC WORKS, Respondent.
OWTH, Appellant, CITY PLANNING APPROVAL

otesting issuance on January 6, 1983, of permit to Norland Properties to erect a structure 135 Main Street. On February 2, 1983, the Board voted 3 to 2 to uphold the Department. mmissioners Engmann and Guggenhime voted to overrule. Rehearing denied on February 26, 83. Writ filed by Sue C. Hestor, Esq.

URISDICTION OF THE BOARD OF PERMIT APPEALS:

atthew Giuffrida - 865 Florida Street - Request to file appeal against Zoning Administrator's arch 24, 1983, letter re change in use of subject property. On advice of City Attorney, peal not accepted.

ated: April 13, 1983

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 20, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:10 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Lawrence Wilson, Esq., and Officers Farrell Suslow and Frank Gallagher of the Police Department; Mr. Bob Kelley of the Department of Public Works; Mr. Sidney Shaw of the City Planning Department; Ms. Alice Barkley, Deputy City Attorney; Messrs. Paul Schwabacher and Jack Breslin of the Department of Public Health; Ms. Claire C. Pilcher, Executive Director; and Doris Levine, Official Hearing Reporter.

Director Pilcher asked that the Board amend its decision of last week on Appeal No. V83-070 (Jesus Vigil) to overrule rather than dismiss the appeal on its own motion, for procedure clarity. The Board agreed.

The first matters to be heard from the regular calendar were:

APPEAL NO. 83-062

PATRICIA SILVER, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Denial on March 18, 1983, of permit to alter a building at 1011 Green Street. APPLICATION NO. 8301801. FOR FURTHER HEARING TODAY.

Mr. Bob Kelley spoke in support of the Department. Richard B. Weinstein, Esq., represented the appellant. Upon motion of President Giraudo, the Board voted unanimously (4 to 0) to uphold the Department and deny the permit. Vice President Jackson had not arrived in time for this vote.

Commissioner Jackson arrived at 5:20 p.m.

APPEAL NO. 83-072

RONALD P. SCHOOP, Appellant, vs. DEPT. PUBLIC HEALTH, Respondent.

Denial on March 27, 1983, of permit to operate a hot dog and BBQ meat pushcart at the Ferry Building. FOR FURTHER HEARING TODAY.

Messrs. Paul Schwabacher and Jack Breslin spoke in support of the Department. Pamela Duffy, Esq., represented the appellant. Upon motion of President Giraudo, the Board voted unanimously (5-0) to overrule the Department and grant the permit with the following stipulations: (1) sinks and surrounding area are to be steam cleaned daily; (2) squirrel cage blower to be installed in cart; (3) plugs on water tanks to be capped; and (4) utensils are to be steam cleaned daily.

The next matters to be heard from the regular calendar were:

APPEAL NO. 83-068

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant, vs. DEPT. PUBLIC WORKS, Respondent. REDEVELOPMENT AGENCY APPROVAL

Protesting issuance on March 11, 1983, to Wealth Investments of permit to erect a structure at 1378 Sutter Street. FOR FURTHER HEARING TODAY.

Sue C. Hestor, Esq., represented the appellant. Peter Richards Brown, Esq., representing the permit holder, spoke in support of the Department. After discussion and upon motion of President Giraudo, the Board voted 4 to 1 to uphold the Department and grant the permit. Commissioner Engmann voted to overrule. The Findings of Fact are to be adopted at the April 27, 1983, meeting.

APPEAL NO. 83-090

N. ARDEN DANEKAS, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Imposition of penalty on April 12, 1983, for work done at 237 Rivoli Street. APPLICATION NO. 8301637.

Mr. Bob Kelley spoke in support of the Department. Mr. N. Arden Danekas spoke on his own behalf. Upon motion of Commissioner Engmann, the Board voted unanimously to overrule the Department with the stipulation that a reduced penalty of one-half the investigative fee, $466.65, plus the regular fee of $103.70, for a total of $570.35, be paid.

APPEAL NO. 83-080

JAMES SEETO, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Appealing for refund of penalty for building work at 112 - 12th Avenue. APPLICATION NO. 8302344.

Mr. Bob Kelley spoke in support of the Department, and Mr. James Seeto spoke on his own behalf. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that a reduced fee of two times the regular fee, a total of $62.90, be paid.

APPEAL NO. 83-091

YU-HUA CHANG, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Appealing for refund of penalty for building work at 135 Meadowbrook. APPLICATION 8300639.

The appellant was not present. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department, the penalty to be paid in full.

APPEAL NO. 83-087

ALLAN STEEN, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Appealing for refund of penalty for building work at 1830 Ocean Avenue. APPLICATION NO. 8302646.

Mr. Bob Kelley spoke in support of the Department. Mr. Allan Steen spoke on his own behalf. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that a reduced penalty of two times the regular fee, for a total of $294.10, be paid.

APPEAL NO. 83-092

INGEBORG GUTTORMSEN, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Imposition of penalty on April 12, 1983, for work done at 425 - 27th Street. PLUMBING CHARGE NOTICE NO. 24377.

Mr. Bob Kelley spoke in support of the Department. Ms. Ingeborg Guttormsen spoke on her own behalf. Upon motion of Vice President Jackson, the Board voted unanimously to overrule the Department, with the stipulation that a reduced fee of one-half the investigative fee, $71.00, plus the regular fee of $24.00 be paid, being a total of $95.00.

APPEAL NO. 83-082

SETH CURLIN ASSOCIATES, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.
FIRE PREVENTION BUREAU DISAPPROVAL

Denial on April 7, 1983, of permit to alter a building at 201 Ivy Street. APPLICATION NO. 8301675.

Mr. Bob Kelley spoke in support of the Department. Mr. Seth Curlin spoke on his own behalf. This expansion will be outside the new Fire Zone, and the Code requirements would not apply. Upon motion of Commissioner Engmann, the Board voted unanimously to overrule the Department and grant the permit.

APPEAL NO. 83-083

ANN GRAZIOLI, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.
CITY PLANNING APPROVAL

Protesting issuance to Jeannie S. Anderson on March 29, 1983, of permit to alter a building at 822 North Point. APPLICATION NO. 8300316.

Mrs. Ann Grazioli expressed her concern about the installation of the elevator. Mr. Bob Kelley, Department of Public Works, Mr. Sidney Shaw, City Planning Department, Ms. Jean Anderson, owner and permit holder, and Ms. Marie McDonald, McDonald Elevator Co., Inc., all spoke in support of the Department. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department and grant the permit.

APPEAL NO. 83-085

STEUART PLACE ASSOCIATES, Appellant, vs. DEPT. PUBLIC WORKS, Respondent.

Denial on April 8, 1983, of permit to alter a building at 141 Steuart Street. APPLICATION NO. 8301283.

Mr. Bob Kelley spoke in support of the Department. Because all life safety requirements will be more than the Code requires, this denial was on a technicality. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department and grant the permit.

Having completed the 5:00 p.m. calendar, the Board recessed for one hour at 6:30 p.m.

The next matters to be heard were from the 7:30 p.m. calendar:

APPEAL NO. 83-089

ALFRED T. McAFEE, dba "McAFEE's FOOD & PIZZA," Appellant, vs. POLICE DEPT., Respondent.

Denial on April 1, 1983, of permit for mechanical amusement devices at 4636 - 3rd Street.

This matter was heard twice this evening. At the first hearing of the matter, the appellant was not present, and the Board voted unanimously (5-0) to uphold the Department, with Lawrence Wilson, Esq., and Mr. Joseph L. Landry speaking in support of the Police Department. At the second hearing of this matter this evening, at approximatley 8:00 p.m., the appellant was present, along with Mrs. Alfred McAfee, who spoke in support of appellant. Upon motion of President Giraudo, the Board voted 4 to 0 to overrule the Department and grant the permit with the stipulation that the permit be issued for a six-month period only, and shall not be automatically renewable. Commissioner Berg was not present for the second vote.

Commissioner Jerry Berg left the meeting at 8:00 p.m.

APPEAL NO. 83-088

JACQUELINE YAMAUCHI, dba "TAIPEI SPA," Appellant, vs. POLICE DEPT., Respondent.

Denial on April 1, 1983, of massage establishment permit at 920 Sutter Street.

Lawrence Wilson, Esq., and Officers Gallagher and Suslow of the Police Department and Mr. Russ Alley and Ms. Vicky Everett, neighbors, spoke in support of the Department. Keith Stevens, Esq., represented the appellant. There was a healthy show of hands in the audience by those in support of the Department, upon request of President Giraudo. Upon motion of President Giraudo, the Board voted 3 to 2 to uphold the Department and deny the permit. Commissioners Jackson and Guggenhime voted to overrule with stipulations.

APPEAL NO. 83-081
APPEAL NO. 83-086
APPEAL NO. 83-066

DIOSDADO S. REYES, Appellant,
CIRILO M. DE GUZMAN, JR., Appellant,
EDUARDO DE LA CRUZ, Appellant,
(Respectively)
vs. POLICE DEPT., Respondent.

Denial on March 11, 1983, of permit to operate a jitney bus on Mission Street.

Lawrence Wilson, Esq., and Officer Suslow of the Police Department, Mr. Carl Barton of MUNI, and Mr. Ray Antonia of TWU, spoke in support of the Department on the matters common to all three appeals. J. E. Marsh, Esq., representing appellant Reyes and the Jitney Owner's Association, Philip E. Pearson, Esq., representing appellant DeGuzman and the Allied Jitney Drivers Association, appellant DeLaCruz, and Messrs. Phongtag and Milstein, spoke in support of appellants. After a lenghty discussion, and upon motion of President Giraudo, the Board voted (separately on each appeal) unanimously (4-0) to uphold the Department and deny the permits. Commissioner Berg was absent from the votes due to earlier departure.

SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS
SITE INSPECTION

APPEAL NO. 83-072

RONALD P. SCHOOP, Appellant, vs. DEPT. PUBLIC HEALTH, Respondent.

Denial on March 27, 1983, of permit to operate hot dog and BBQ meat pushcart at the Ferry Building.

A site inspection was held at this location on Tuesday, April 19, 1983, at 8:00 a.m. President Giraudo was present, as were representatives of the Health Department, and the appellant.

There being no further business, the meeting was adjourned at 9:00 p.m. by President Giraudo.

Dated: April 20, 1983

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 27, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:15 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Jerry E. Berg

Commissioner Richard J. Guggenhime was absent.

Also present were: Lawrence Wilson, Esq., and Officers Joseph Hession, Farrell Suslow and Raymond West of the Police Department; Mr. Robert Passmore, Zoning Administrator; Mr. Bob Kelley of the Department of Public Works; Deputy City Attorneys Alice Barkley and Melba Yee; Ms. Claire C. Pilcher, Executive Director; and Ms. Doris Levine, Official Hearing Reporter.

Director Pilcher discussed receipt yesterday of letter regarding Superior Court Mandate in Appeal No. 82-261 (30 Miller Place).

Secondly, Director Pilcher discussed the State Court of Appeal Decision (City and County of San Francisco, et al., vs. Board of Permit Appeals, No. A010221, 1 Civ. 49762, Eller Outdoor Advertising) with regard to Appeal Nos. 7228 and 7229 which were heard before the Board in 1975. Deputy City Attorney Alice Barkley answered legal questions from the Board.

There was then a discussion regarding Appeal No. 83-067 (90 New Montgomery Street) in which it was determined, and agreed to by counsel for the permit holder, that the record should be corrected to show that the indication of a discrepency in the record pertaining to statements by counsel for appellant, Sue C. Hestor, Esq., should be stricken.

The first matter to be heard from the regular calendar was:

APPEAL NO. 82-189

CRUZ LUNA, et al., Appellant, vs. DEPT. PUBLIC WORKS, Respondent.
CITY PLANNING APPROVAL

Protesting issuance on August 24, 1982, to 1000 Montgomery Association of permit to alter a building at 1000 Montgomery Street. APPLICATION NO. 8103556. REMAND FROM SUPERIOR COURT.

Per Judge Kay's Decision, Deputy City Attorneys Alice Barkley and Melba Yee recommended reconsideration by the Board of its earlier Decision. M. Reed Hunter, Esq., appeared on behalf of the permit holder and Paul Wartelle, Esq., appeared on behalf of the appellants. President Giraudo recommended setting aside the Board's Decision based upon the order of Judge Kay and/or reaffirming said Decision to declare that the previous hearing was de novo. After discussion, he moved that the matter be continued to May 11, 1983, at which time there will be a full Board, and that a written opinion from the City Attorney's Office be submitted answering questions posed by Commissioners Engmann and Berg, copies of said opinion to be sent to the above-mentioned attorneys.

ADOPTION OF FINDINGS OF FACT:

APPEAL NO. 83-067

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant, vs. DEPT. PUBLIC WORKS, Respondent. CITY PLANNING APPROVAL

Protesting issuance on March 11, 1983, to Highfield Holdings of permit to erect a structure at 90 New Montgomery. APPLICATION NO. 8201153S.

By a vote of 3 to 1, the Board adopted the Findings of Fact, with Commissioner Engmann voting no.

APPEAL NO. 83-068

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant, vs. DEPT. PUBLIC WORKS, Respondent. REDEVELOPMENT AGENCY APPROVAL

Protesting issuance on March 11, 1983, to Wealth Investments of permit to erect a structure at 1378 Sutter Street. APPLICATION NO. 8201776S.

By a vote of 3 to 1, the Board voted to adopt the Findings of Fact, with Commissioner Engmann voting no.

APPEAL NO. 83-097

ANTONIO DAVID, Appellant, vs. POLICE DEPT., Respondent

APPEAL NO. 83-096

LEONILO S. CABAHIT, Appellant, vs. POLICE DEPT., Respondent

Denials on March 11, 1983, of permit to operate a jitney bus on Mission Street.

The above two appeals were heard concurrently. President Giraudo stated that the extensive testimony given last week by the Police Department and supporting parties in matters of identical nature made feasible that same be incorporated into today's record, and that the Police Department waive procedure, except in the case of new evidence, rebuttal would in this case be allowed. Lawrence Wilson, Esq., and Officer Joseph Hession of the Police Department were present. Phil Pearson, Esq., representing both appellants, and J. E. Marsh, Esq., representing the Jitney Owners Association, spoke in support of the appellants, discussing increased seating capacity approvals and the economic situation of appellants, as did Mr. David Finn, a taxpayer. Upon motion of President Giraudo, the Board voted unanimously, in two separate votes, to uphold the Department, and deny each permit.

APPEAL NO. 83-098

STEVEN EHRLICH, dba "STEVE'S MOBILE DELI," Appellant, vs. POLICE DEPT., Respondent.

Denial on April 18, 1983, of permit for mobile caterer (additional stop at 201 Spear Street).

Lawrence Wilson, Esq., spoke in support of the Department. Mr. Steven Ehrlich spoke on his own behalf. President Giraudo moved that the hearing be continued for Further Hearing to May 25, 1983, at which time the appellant should have applied for location at 250 Spear Street in lieu of 201 Spear Street.

APPEAL NO. 83-084

EARL S. KUHNS, dba "FRENCHY'S K AND T," Appellant vs. POLICE DEPT., Respondent

Denial on April 1, 1983, of permit for mechanical amusement devices at 141 Mason Street.

Lawrence Wilson, Esq., Officer West, Deputy Attorney Barkley, Don Louder, Mario Ordano, hotel owner, Dan London, cocktail lounge owner, and Ron Serra, owner of Coffee Ron's, spoke in support of the Department. Joseph Ryan, Esq., represented the appellant. After a lengthy discussion, President Giraudo moved that the Department be upheld, and the vote was unanimous.

APPEAL NO. 83-095

YASHIMA, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE PREVENTION BUREAU DISAPPROVAL

Denial on April 19, 1983, of permit to alter a building at 1362 Post Street. APPLICATION NO. 8302071

Mr. Bob Kelley spoke in support of the Department. Mr. Dongwon Sohn spoke in support of the appellant. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department and grant the permit with the stipulation that: (1) wet sandpipes be provided on each floor, and; (2) the building be provided with a fully supervised sprinkler system.

APPEAL NO. 83-093

LOUIS C. BANKS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on April 7, 1983, to Dorsey Redland Carroll, of permit to alter a building at 713 San Bruno Avenue. APPLICATION NO. 8207245.

Mr. and Mrs. Louis C. Banks and Mr. and Mrs. Rutelio Duran spoke in support of the appellant. Ms. Dorsey Redland, permit holder, and Bob Kelley spoke in support of the Department. After a lengthy discussion regarding the approved plans as regards lot line windows, President Giraudo moved to uphold the Department with the stipulation that all lot line windows be removed in accordance with the approved plans of the Department. The vote was unanimous.

APPEAL NO. 83-094

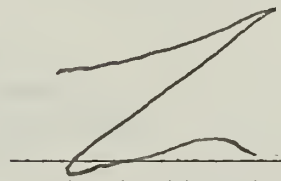
CLEMENT STREET WEST MERCHANTS ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on April 11, 1983, to Alejandro Espinosa, of permit to alter a building at 1844 Clement Street.

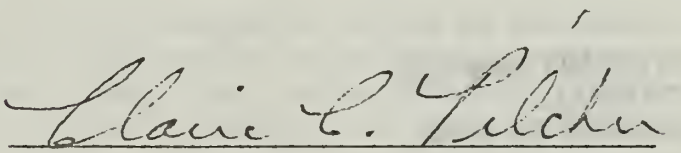
Ms. Marjorie O'Brien of Clement Street West Merchants Association spoke in support of appellant. Mr. Robert Passmore and Hector Ortiz, Esq., representing permit holder, spoke in support of the Department. After a discussion of the restaurant expansion, regarding the parking problems, President Giraudo moved to uphold the Department, the vote being unanimous.

There being no further business, the meeting was adjourned by President Giraudo at 8:00 p.m.

DATE: April 27, 1983



Louis J. Giraudo, President



Claire C. Pilcher, Executive Director

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CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 11, 1983
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:10 p.m.

Present were: President Louis J. Giraudo
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Vice President Mattie J. Jackson was absent.

Also present were: Mr. Bob Kelley, Chief Building Inspector, Bureau of Building Inspection; Lawrence Wilson, Esq., attorney representing the Police Department, as well as Officers Hession and Manini; Mr. Sidney Shaw, representing the Department of City Planning; Executive Director Claire C. Pilcher; and Doris Levine, Official Hearing Reporter.

The first matters to be heard were the following Requests for Rehearing:

APPEAL NO. 83-084

EARL S. KUHNS, dba "FRENCHY'S K AND T," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 1, 1983, of permit for mechanical amusement devices at 141 Mason Street.

Upon Motion of President Giraudo, the Board voted unanimously to uphold the department and deny the permit. Commissioner Guggenhime was absent. There being no motion to rehear, the request was denied, and the Decision of the Board is final.

APPEAL NO. 83-086

CIRILO M. DE GUZMAN, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on March 11, 1983, of permit to operate a jitney bus on Mission Street.

On April 27, 1983, the Board voted unanimously to uphold the department and deny the permit. There being no motion to rehear, the request was denied, and the Decision of the Board is final.

APPEAL NO. 83-096

LEONILO S. CABAHIT, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on March 11, 1983, of permit to operate a jitney bus on Mission Street. On April 27, 1983, the Board voted unanimously to uphold the department and deny the permit. There being no motion to rehear, the request was denied, and the Decision of the Board is final.

APPEAL NO. 83-097

ANTONIO DAVID, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on March 11, 1983, of permit to operate a jitney bus on Mission Street.

On April 27, 1983, the Board voted unanimously to uphold the department and deny the permit. There being no motion to rehear, the request was denied, and the Decision of the Board is final.

APPEAL NO. 83-091

YU-HUA CHANG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for building work at 135 Meadowbrook.
APPLICATION NO. 8300639

On April 20, 1983, the appellant or a representative not being present, the Board voted unanimously to uphold the department, refund denied. After a brief discussion, Commissioner Guggenhime moved that the matter be reheard, and the vote was unanimous. The matter will be reheard on May 25, 1983.

The next matters to be heard were requests that the Board take jurisdiction.

RICHARD ADAMS LYGUTIS
Expiration of application for declaration of public convenience and necessity to operate a taxicab effective April 20, 1983. (Letter dated April 5, 1983.)

There was discussion among the Commissioners, the Executive Director and Lawrence Wilson, Esq., of the Police Department. The request that the Board take jurisdiction was denied for lack of motion. Therefore, this matter will not be heard by the Board.

APPEAL NO. 83-120

JAYNE REVERDY/CONNIE WEBER, Appellants vs. POLICE DEPARTMENT, Respondent

Issuance on April 25, 1983, of permit to Mission Childcare Consortium to hold a carnival at 3000 Folsom Street from June 1, 1983 to June 5, 1983.

The Board first discussed whether jurisdiction should be taken, the parties not having been notified as requested at the Police hearing and so verified by the Police Department. President Giraudo moved that the Board hear the matter this evening, in view of the time problem for the permit holder, and the vote was unanimous that the matter be heard. The Board then proceeded to hear the appeal on its merits. After lengthy discussion and testimony by Mrs. Reverdy, Mrs. Weber, Lawrence Wilson, Esq., and Lorenzo Dill of the Mission Childcare Consortium, the Board, upon the motion of President Giraudo, unanimously upheld the Police Department in granting the permit, and added the following stipulations: (1) Mission Childcare Consortium shall hire a minimum of two (2) security guards to patrol the outside area of the fair; (2) If in the judgement of the Police Department additional guards are needed, same will be provided; (3) All other stipulations on the Permit shall be strictly adhered to. Director Pilcher was directed to write a letter to the Chief of Police asking that they insure.

The next matters to be heard were from the regular calendar:

APPEAL NO. 83-099

BARBARA A. PODRID, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 20, 1983, of pushcart peddler permit at southwest corner of Fremont and Mission Streets.

Lawrence Wilson, Esq., spoke on behalf of the Police Department and stated that one of the two locations was identical to that denied by both the Police Department and the Board in a previous appeal by Ms. Podrid. Because the statute will not allow application of an identical permit within one year of denial, the Board, upon motion of Commissioner Engmann, unanimously dismissed the appeal as to the Mission Street location. Next the appellant and the Department spoke about the location at the corner of Fremont and Mission Streets, with Lawrence Wilson stating that is was on State Property and adjacent to a red zone. Ms. Podrid testified that she had applied when the area was not a red zone. Robert Voss, owner of the M & M Restaurant, and Alan Simon, Esq., representing Crown Catering, which has a mobile truck nearby, asked the Board to uphold the Police Department's denial. Royce Charney, a competitor on private property, raised the issue of no toilet facility being required, and the red zone issue, both of which were raised when he came before the Board and was denied a permit other than the one he presently holds. Kathy Lew, owner of a hot dog stand and concession inside the East Bay Terminal also spoke in support of the Department. After much discussion, President Giraudo moved to uphold the Police Department in denying the permit, and the vote was unanimous.

APPEAL NO. 83-100

LEROY KALVIG, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 18, 1983, of permit for mobile caterer (additional stop) at 461 - Second Street.

Again, there was lengthy discussion by all parties. It was finally determined that if Mr. Kalvig could locate in a private lot or in a legal parking space, his operation would not be objectionable. Therefore, the Board voted unanimously, upon motion of Commissioner Guggenhime, to overrule the Department and grant the permit with the following stipulations: (1) That appellant locate on a private lot, or (2) Appellant operate in a legal parking space.

APPEAL NO. 83-109

JOHN P. McCARROLL, dba "GOLDEN GATE HOT DOGS," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 25, 1983, of pushcart peddler permit at 444 and 425 Market Street.

Lawrence Wilson and Officer Hession of the Police Department again testified that these two locations were within the two-block rule and in a "red zone." Commissioners Engmann and Berg felt that the location was valid within the two-block rule. Sharon deZordo of the Market Street Development Corporation and others spoke in support of the Police Department's denial. After more testimony and discussion, President Giraudo moved that this was not a legal location, and the department was unanimously upheld.

APPEAL NO. 83-111

CHARLES C. CARLSON, dba "CHARLIE'S HOT DOGS," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 25, 1983, of pushcart peddler permit in front of Woolworth's (898 Market Street) or in front of 782 and 798 Market Street.

Lawrence Wilson, Esq., spoke for the Police Department as to why all three of these locations were unacceptable. Sharon deZordo of the Market Street Development Corporation and competitor Annie Block, who has a cart nearby, also spoke in support of the Police Department's denial. After discussion, Commissioner Engmann moved to concur with the Police Department's denial of all locations requested, and the vote was unanimous. Therefore, the appeal was denied as to all locations.

APPEAL NO. 83-110

FAWZEIA M. MOHAMAD, dba "BURGER ARCADE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 25, 1983, of permit for additional mechanical amusement devices at 3100 Mission Street.

Lawrence Wilson spoke for the Police Department, and Mr. Mohamad spoke on his own behalf. Lawrence Wilson stated that Mr. Mohamad would be entitled to three machines, and has applied for four additional machines. He presently has two machines. There was lengthy discussion about the Mechanical Amusement Device Ordinance. President Giraudo then moved that the department be overruled, with the following stipulations: (1) That one additional machine be granted, and (2) That all requirements of the ordinance and related laws be adhered to.

APPEAL NO. 83-103

GRACIANO R. ENRIQUEZ, dba "CIAO CREAMERY," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 18, 1983, of permit for mechanical amusement devices at 2421 Noriega Street.

Lawrence Wilson stated that there was opposition in the neighborhood, and Officer Terrence Collins of Taraval Station also testified. After discussion and testimony, President Giraudo moved to overrule the department and grant, with the following stipulation: (1) That the permit be for a period of six (6) months only, and shall not be automatically renewable. Appellant must reapply for a new permit well before the six-month period has expired.

APPEAL NO. 83-104

SOPHIA MAKRAS, dba "18TH AND GUERRERO PRODUCE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 18, 1983, of permit for mechanical amusement devices at 598 Guerrero Street.

The evidence and testimony clearly demonstrated that this area was zoned RC-1 (mixed residential and commercial), and therefore the machines are not allowed under the

Ordinance. Officer Gary Manini also testified on behalf of the Police Department, as well as Lawrence Wilson, and appellant spoke on her own behalf. Because of the prohibition of the Ordinance, Commissioner Engmann moved to concur with the department in denying the permit, and the vote was unanimous.

APPEAL NO. 83-101

JOHN F. HANLEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on April 27, 1983, of permit to alter a building at 51-53 Douglas Street. APPLICATION NO. 8302170.

Chief Building Inspector Bob Kelley spoke for the Department of Public Works, and Mr. Hanley spoke on his own behalf. The technical violation was that the ceiling height in the bathroom was less than allowed by the Building Code. Commissioner Engmann moved that the 6' 8" height was sufficient in the bathroom area, and the vote was unanimous to overrule the department.

APPEAL NO. 83-105

TED AKSNES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on April 27, 1983, of permit to alter a building at 1552 Green Street. APPLICATION NO. 8303088.
Bob Kelley again spoke for the department. Mr. Aksnes spoke about the beam over the garage floor which was 6' 8", whereas a 7' height is required. After lengthy discussion, Commissioner Engmann moved to overrule the department's denial and allow the beam to remain, with the following stipulations: (1) That the beam be padded in a fashion approved by the Bureau of Building Inspection, and that (2) The padding be orange and black striped to give sufficient warning that the beam is there. His reasoning was that providing parking was more important than the slight change that the beam might be an obstruction. The vote to overrule with stipulations was unanimous.

APPEAL NO. 83-107

JOSEF POHL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on May 2, 1983, of permit to alter a building at 121 Moffitt Street. APPLICATION NO. 8303221.

Bob Kelley spoke for the department, stating that he felt this appeal was premature, as other applications were pending and this might confuse the issues. This matter is also in court, work having been done without a permit. Mr. Pohl spoke also. The issue again was ceiling height, and after discussion, the matter was continued to July 6, 1983, pending processing of the second permit application on file.

APPEAL NO. 83-106

JOHN TOPHAM, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 29, 1983, to Thomas and Teresa Wajnert, of permit to alter a building at 75 El Verano Way.
APPLICATION NO. 8301383.

John Topham, the protest appellant, spoke at great length about his objections to

this home addition, citing Monterey Heights Association rules and other issues. Mr. Wajnert stated that he had spoken with many neighbors, had carefully done a feasibility study, and had done a project which would not require a variance out of deference to his neighbors. After lengthy discussion, Commissioner Engmann moved that the department be upheld, finding that the addition was attractive and appropriate. The vote was unanimous to uphold the department and grant the permit.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 8:00 p.m.

DATED: May 11, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 25, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:15 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Lawrence Wilson, Esq. and Officer Hession for the Police Department; Sidney Shaw for the Department of City Planning and Zoning Administrator; Mike Estrada of the Department of City Planning; Deputy City Attorney Melba Yee; Bob Kelley for the Bureau of Building Inspection; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

Because the attorneys for the Appellant in Appeal No. 82-189 had not yet arrived, the first matter to be heard was:

APPEAL NO. 83-125

ROBERT P. KITZLER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 9, 1983, to A. Cal Rossi Company, Ltd., of permit to erect a structure at 165 Francisco Street. APPLICATION NO. 8202401.

The protest appellant, Mr. Kitzler, spoke at great length about objections to the construction, such as noise, parking, dust, odors, working hours and related matters. Diane Parker and Diane Hunter, neighbors, also spoke of lack of enforcement of some of the conditions on this Conditional Use Permit. Michael Riccatello, attorney for permit holder Cal Rossi, as well as Mr. Thomas Carter, one of the project superintendents, then spoke and explained problems with union picketing, arrival of trucks at times outside their control, etc. Cal Rossi then testified and answered questions of President Giraudo. After lengthy discussion, President Giraudo moved that the Department be upheld, but added the stipulation that the conditions adopted by the Planning Commission be incorporated by reference, and fully complied with and enforced, and that this stipulation applies to the entire Telegraph Hill Condominiums project, including all related permits. The City Attorney's office will draft a formal motion to be adopted at the next five member meeting.

APPEAL NO. 82-189

CRUZ LUNA, et al., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 24, 1982, to 1000 Montgomery Association of permit to alter a building at 1000 Montgomery Street. APPLICATION NO. 8103556. REMAND FROM SUPERIOR COURT.

This matter was before the Board upon remand from Superior Court. The Board first voted to vacate its earlier decision, and then expressed its desire to limit the hearing only to those issues raised by the Court and to discussion of the Residence Element of the Master Plan. Paul Wartell, Esq., spoke for the protest appellants, and referred to a declaration from former Planning Director Allan Jacobs. Bradford Paul of the North of Market Planning Coalition further discussed the Residence Element. M. Reed Hunter, Esq., attorney for the permit holder, then made his presentation, and Thomas J. LaLanne, permit holder, spoke on his own behalf. Mike Estrada of the Department of City Planning then spoke with regard to the Housing Element of the Master Plan, which he authored. After discussion, President Giraudo moved that the Department be upheld, and reincorporated all of the conditions in the Planning Commission's Resolution, as well as the modifications to those conditions previously adopted by the Board. He stated that the Board had exercised again its de novo review powers, and did so at both prior hearings. He also stated that all evidence had been considered, and found that the proposed project does not violate the Planning Code, nor does it violate the Residence Element of the Master Plan, and in fact enhances it. He further stated that the conversion complies with the zoning ordinances and does not constitute a public nuisance. Therefore, the arguments before the Board were properly limited to the Residence Element. President Giraudo further adopted the findings made by the Planning Commission and conditions appended thereto, and as amended by the Board in its exercise of its de novo review. Commissioners Guggenhime and Berg likewise voted to uphold the Department with the same findings, and Commissioner Engmann and Vice President Jackson voted to overrule, the latter stating that the removal of housing was the basis for her vote.

The next matters to be heard were:

APPEAL NO. 83-114

MELVIN ALBAUM, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 6, 1983, for work done at 1406 Polk Street. APPLICATION NO. 8300171.

Bob Kelley expressed the Department's position, and Mr. Albaum explained his case. After discussion, President Giraudo moved that the investigation fee be reduced to two times the regular fee, for a total due the Department of $236.30. The vote was unanimous.

APPEAL NO. 83-115

SUSAN CHAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 9, 1983, for work done at 763 Tenth Avenue. APPLICATION NO. 8206567.

Bob Kelley spoke for the Department, and Ms. Chan explained that the unlicensed contractor they had hired had failed to take out a permit. There was lengthy discussion, including the suggestion that Ms. Chan sue her contractor in small claims court. Commissioner Guggenhime moved that the penalty be reduced in half ($500.00), plus the regular fee of $219.30, for a total due the Department of $719.30. The vote was unanimous.

APPEAL NO. 83-091

YU-HUA CHANG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for building work at 135 Meadowbrook. APPLICATION NO. 8300639.

Bob Kelley presented the Department's letter, explaining that the work had been done

without a permit. Yu-Hua Chang said the building belongs to her brother, and the work was done in her absence from the country. After lengthy discussion, President Giraudo said he felt inclined to uphold. Vice President Jackson moved that the penalty be reduced in half ($336.05), plus the regular fee of $74.80, for a total of $410.85.

Appeal No. 83-076, W.P.C., INC., dba "TRADER SAM'S COINS AND STAMPS," vs. Police Department, was continued once again in order to work out an agreement between the parties.

APPEAL NO. 83-124

WILLIAM G. HANSEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 18, 1983, for work done at 1128 Polk Street. APPLICATION NO. 8303439.

Bob Kelley again represented the Department, and Mrs. Hansen testified, citing issues not involved with the penalty. President Giraudo moved to reduce the penalty to two times the regular fee, for a total of $149.60.

APPEAL NO. 83-098

STEVEN EHRLICH, dba "STEVE'S MOBILE DELI," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 18, 1983, of permit for mobile caterer (additional stop) at 201 Spear Street.

Lawrence Wilson, Esq. and Officer Hession spoke against the issuance of this permit, as did numerous competitors who have vending businesses, restaurants and related businesses. Corwin Booth, who owns all the buildings in that block, stated that there are already two mobile caterers there, and all said business was greatly reduced since this new truck had been present. The appellant presented his case, and after discussion President Giraudo moved that the Department be concurred with and the permit denied. The vote was unanimous to uphold the Department.

APPEAL NO. 83-117

EDWARD H. WEISS, dba "MISSION STAMP & COIN CO.," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on May 4, 1983, of permit for second hand dealer at 2063 Mission Street.

Lawrence Wilson, Esq., stated that an agreement had been reached, with the consent of the Mission Merchants Association, that Mr. Weiss be allowed to have his permit with the following stipulation: That his merchandise be limited to coins, stamps, silver, gold and gems only. President Giraudo moved that the Department be overruled with the above stipulation, and the vote was unanimous.

Appeal No. 83-123, SPENCER J. THOMAS vs. Police Department, was continued.

APPEAL NO. 83-112

MAHMOOD GOLCHEREH, dba "EDDY MARKET," Appellant vs. POLICE DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

Denial on April 25, 1983, of permit for mechanical amusement devices at 345 Eddy Street.

It was explained to the appellant and his vendor that the zoning (mixed residential and commercial) does not allow these machines. Apparently when the application was being checked the adjoining lot was looked at, which would have allowed machines,

and it was agreed that the appellant can attempt to obtain a refund of fees paid to the Police Department because of the erroneous information. Thereafter, President Giraudo moved that the Department be upheld and the permit denied, and the vote was unanimous.

APPEAL NO. 83-122

JEAN GEE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on May 16, 1983, of permit to alter a building at 1817 Eleventh Avenue. APPLICATION NO. 8303137.

Bob Kelley of the Department of Public Works spoke of the lack of ventilation in the bathroom area, but conceded that there was virtually no alternative remedy other than taking down the wall. Based upon Mr. Kelley's recommendation, the Board voted unanimously, upon motion of President Giraudo, to overrule the Department and grant the permit, with the stipultaion that no door be installed in the opening between the bathroom and the adjoining room.

APPEAL NO. 83-121

HALL AND GEORGETTA McELREE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 3, 1983, to Mr. and Mrs. Yule, of permit to alter a building at 22 Ewing Terrace. APPLICATION NO. 8300208.

Ross McLauran Madden, Esq., attorney for the protest appellant, presented his case, stating that there was a lot line window on his property, and that the deck would be closer than two feet to the lot line. Much discussion followed regarding when the window was installed and whether it had ever been boarded up. E. Lee Brazil, Esq., attorney for the permit holder, explained the proposed deck, as did Michael Frick, contractor. The protest appellant, Mr. McElree, then spoke, suggesting that the deck be built two feet back, on footing four feet from the lot line, and that the ten-foot wall not be built to protect their light and air. Mr. Yule, the permit holder, then explained why a compromise was not acceptable. After much discussion, President Giraudo moved to concur with the Department in issuing the permit, and the vote was unanimous.

APPEAL NO. 83-119

ROGER AND NANCY LEER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 4, 1983, to Tola B. Schular, of permit to alter a building at 1916 Broderick Street. APPLICATION NO. 8302053.

Roger Leer, the protest appellant, spoke about the lot line windows, which have now been removed. James Funston, Esq., attorney for the permit holder, Mrs. Schular, then spoke and explained that all that was being done was the remodelling of the master bathroom and closet in their own living area. After discussion, President Giraudo moved to concur with the Department and issue the permit, and the vote was unanimous.

APPEAL NO. V83-116

SUSAN R. ROMWEBER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance of Rear Yard Variance and Building Height Variance on April 27, 1983, to Rubin Glickman, at 208 Francisco Street.

The appellant stated her objections to the variance, and her architect displayed a model to demonstrate the blockage of light which the variance would create. Robert Tibbits of the Telegraph Hill Dwellers stated their group's similar objections, as

did several neighbors, including Nan Roth. The variance applicant, Rubin Glickman, then explained his need for the variance, and a site inspection was set for Tuesday, May 31, at 5:00 p.m. The matter will be voted upon at the next hearing, June 1, 1983.

Appeal No. 83-102, CLEMENT STREET WEST MERCHANTS ASSOCIATION vs. Department of Public Works, City Planning Approval, a protest against the issuance to Ocean Chinese Corporation/Tony Fong, of permit to alter a building at 1934 Clement Street, Application No. 8109463 was continued to June 1, 1983.

APPEAL NO. V83-113

ROBERT V. AND NONIE GIUSTI, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on April 25, 1983, of Rear Yard Variance sought at 1490 Eighteenth Avenue.

Mr. Sidney Shaw on behalf of the Zoning Administrator stated that the variance was unacceptable because it would virtually eliminate the open space and have a car parked next to the neighbor's bedroom window. Neighbors Philip Howard and Irene Burlew also spoke in opposition to the granting of the variance. The appellants then explained their need for the variance, and the Commissioners examined many photographs. After lengthy testimony and discussion, Commissioner Engmann moved to uphold the Zoning Administrator and deny the variance. The vote was 3 - 2, with President Giraudo and Commissioner Guggenhime voting to overrule the Zoning Administrator.

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

DATE: May 25, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES

SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS

TUESDAY, MAY 31, 1983

A special meeting of the Board (site inspection) was held at 5:00 p.m. at 208 Francisco Street with regard to:

APPEAL NO. V83-116

SUSAN R. ROMWEBER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance of Rear Yard Variance and Building Height Variance on April 27, 1983, to Rubin Glickman, at 208 Francisco Street.

Present were: Appellant and a neighbor, Variance holder and his two representatives, Commissioners Engmann, Guggenhime and Berg, Executive Director Pilcher, and Mr. Sidney Shaw, representing the Zoning Administrator. This matter will be voted upon at the June 1, 1983 meeting.

DATED: May 31, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 1, 1983

5:00 P.M., ROOM 282, CITY HALL

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The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:15 p.m.

Present were: President Louis J. Giraudo
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Vice President Mattie J. Jackson was absent.

Also present were: Lawrence Wilson, Esq., representing the Police Department; Mr. Bob Kelley, of the Department of Public Works; Mr. Sidney Shaw, representing the Department of City Planning and Zoning Administrator; Executive Director Claire C. Pilcher; and Doris Levine, Official Hearing Reporter.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Attorneys for the protest appellants in Appeal 82-189 re 1000 Montgomery Street hand delivered a letter at 5:05. In the letter they requested that the Board reconsider its decision and change the period during which relocation and other benefits would be available from 60 days of the current approval. In view of continuing legal problems, the Board decided to terminate discussion of the matter at this evening's hearing and to reopen the matter in executive session at 4 p.m. preceding the next regular meeting, June 15, 1983.

APPEAL NO. V83-116

SUSAN R. ROMWEBER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance of rear yard variance and building height variance on April 27, 1983, to Rubin Glickman, at 208 Francisco Street.

Commissioner Engmann reported on the site inspection made by the Board. On behalf of Mr. Glickmann, Architect Michael Kaden again explained the shading study made by his firm. This report supported the theory of minimal shading. John Howenbeck, architect for the appellant, presented a scale model which lent support to the appellant's contention that the variance would cause considerable shading over her property. Upon motion of Mr. Berg, the Board voted 3 to 1 to uphold the Department, with Commissioner Engmann dissenting.

APPEAL NO. 83-130

SHERMAN UTTINGER, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent

Imposition of penalty on May 26, 1983, for work done at 18 Romain Street.
APPLICATION NO. 8301172.
Mr. Kelley spoke in support of the Department. Appellant spoke on his own behalf. Upon motion of Commissioner Engmann, the Board voted unanimously to overrule the Department with the stipulation that a reduce fee of half the investigative fee, $450.00, plus the regular fee of $74.80, for a total of $524.80 be paid.

APPEAL NO. 83-102

CLEMENT STREET WEST MERCHANT'S ASSOCIATION, Appellant vs. DEPARTMENT OF PUBLIC WORKS Respondent

Protesting issuance on April 22, 1983 to Ocean Chinese Corporation/Tony Fong, of permit to alter a building at 1934 Clement Street. APPLICATION #8109463.

Marjorie O'Brien, a neighboring merchant, talked at length regarding the negative impact of restaurant proliferation in the area. She presented a petition signed by neighbors supporting her views. President Giraudo felt that the issue that concerned the neighbors, i.e. increase in the number of restaurants in the area with the possible resultant deterioration of life quality had not been addressed in the previous appeal. President Giraudo also felt that the legal implications of this situation needed to be clarified before the Board could proceed further, and the Executive Director was instructed to seek a City Attorney's opinion. The matter was continued to June 15, 1983.

APPEAL NO. V83-128

DARLENE SWENSON, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 12, 1983, of off-street parking variance sought at 170-74 College avenue.

Mr. Sidney Shaw represented the Department of City Planning. Alan Doughtery, Esq., spoke for the appellant. After lengthy discussion, upon motion of Commissioner Engmann, the Board voted unanimously to uphold the Zoning Administrator's denial of the variance.

APPEAL NO. 83-129

MUI VAN NGUYEN, dba "YOKO'S", Appellant vs. POLICE DEPARTMENT, Respondent

Denial on May 13, 1983, of permit for massage establishment at 791 O'Farrell Street.

Lawrence Wilson, Esq., spoke on behalf of the Police Department and stated that the area was getting to be a massage parlor district, and cited community opposition. Neighbor Violet Barnett spoke of the deleterious effect on the quality of life brought about by the presence of the referenced parlor. Jerry Scheen of the North American Development Corporation also voiced his opposition to the granting of a permit. Kathy Hampton of the Tenderloin Neighbors Association and Bradford Paul also spoke in support of the Department, as did Susan Yee. Attorney Christopher Hall represented the appellant, and presented his case. Upon motion of President Giraudo, the Board voted unanimously to uphold the department and deny the permit.

APPEAL NO. 83-126

ANTHONY MARCHESE, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent

Denial on May 19, 1983, of permit to alter a building at 38 Woodland Avenue. APPLICATION NO. 8302527.

Bob Kelley spoke for the department, stating the proposed slope of the driveway exceeded that allowed by code. The appellant supported his presentation with photographs of proposed building alterations. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department and granted the permit, finding that the provision of a parking space offset the minimal danger of the slope.

APPEAL NO. 83-127

DOLPHIN TOURS, Appellant vs. DEPARTMENT OF PUBLIC WORKS, Respondent

Denial on May 10, 1983, of a sightseeing bus stand permit on Union Square (north side of Geary between Stockton and Powell Streets).

Norman Gray represented the traffic section of the Department of Public Works; Lawrence Wilson, Esq., spoke for the Police Department. Both stressed the enormity of the traffic congestion in the Union Square area, which they felt would be aggravated by an additional permit. Attorney Nancy Lenvin and Dolphin owner Jay Mark Lavelle presented the appellant's case. Upon motion of Commissioner Engmann, the Board voted 3 to 1 to uphold the Department and deny the permit, with Commissioner Guggenhime voting to overrule.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 8:20 p.m.

DATE June 1, 1983

Louis J. Giraudo cp
Louis J. Giraudo, President

Claire C. Pilcher
Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 15, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:15 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Lawrence Wilson, Esq., representing the Police Department; Deputy City Attorney Alice Barkley; Mr. Don Lim, of the Department of Public Works; Mr. Sidney Shaw, representing the Department of City Planning and Zoning Administrator; Mr. Albert Chinn, Principal Inspector and Mr.Bill Noland of the Health Department; Executive Director Claire C. Pilcher; and Doris Levine, Official Hearing Reporter.

The first matters to be heard were Matters for Consideration:

Regarding Appeal No. 83-189, 1000 Montgomery Street; President Giraudo made a motion to accept the findings as prepared by the City Attorney's office. This appeal had been voted upon on May 25, 1983. The vote to accept the findings of the City Attorney's office was unanimous.

REQUEST TO REHEAR:

APPEAL NO. V83-113

ROBERT V. & NONIE GIUSTI, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 25, 1983, of rear year variance sought at 1490-18th Avenue.

On May 25, 1983, Commissioner Engmann moved to uphold the Zoning Administrator and deny the variance. The vote was 3-2, with President Giraudo and Commissioner Guggenhime voting to overrule the Zoning Administrator. There being no motion to rehear, the request was denied, and the Decision of the Board is final.

APPEAL NO. 83-102

CLEMENT STREET WEST MERCHANT'S ASSOCIATION, vs. DEPT. PUBLIC WORKS, Respondent
Respondent

Protesting issuance on April 22, 1983, to Ocean Chinese Corporation/Tony Fong, of permit to alter a building at 1934 Clement Street. APPLICATION #8109463.

During the June 1, 1983, hearing, President Giraudo felt that there were legal implications of this situation that needed to be clarified before the Board could proceed further. Director Pilcher stated at the time she would get an opinion from the City Attorney's office. The attorney for the protestants presented his arguments supporting the Board's jurisdiction, and Deputy City Attorney Alice Barkley expanded upon her written opinion. After discussion, President Giraudo moved that the Board not take jurisdiction in this matter as the appeal is not properly before the Board. The vote was unanimous.

CORRESPONDENCE:

Director Pilcher discussed receipt of a letter regarding Appeal No. 83-125 (200 Francisco Street). The letter was from neighbors of the above property. They had complaints about work that was in progress. The neighbors felt the work was not in keeping with the Board's mandate. Ms. Pilcher stated she would turn the letter over to the Department of Public Works, so that they can take steps to enforce the Board's order.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR:

APPEAL NO. 83-131

JOHN LAVRICH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 16, 1983, to J.F. White, of permit to alter a building at 108 Alpine Terrace. APPLICATION NO. 8301088.

The protest appellant, John Lavrich, stated his case, and several neighbors supported his position. The permit holder, Mr. White, then presented his case. Robert Engman, architect for the permit holder, explained the plans. Both sides presented photographs. President Giraudo moved to have a site inspection on June 21, 1983, at 5:00 p.m., and to continue the appeal for further hearing on June 22, 1983.

APPEAL NO. 83-132

BRAGG PLUMBING COMPANY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 26, 1983, for plumbing work done at 1642 Forty-second Avenue. PLUMBING CHARGE NOTICE NO. 24919.

Mr. Don Lim spoke on behalf of the Department of Public Works, stating that work was done on appellant's property without a permit. Mr. William Gatling represented Bragg Plumbing. Upon motion of Commissioner Engmann, the Board unanimously voted to overrule the Department, with the stipulation that a penalty be paid of one-half the investigation fee, $109.00, plus the regular fee of $49.75, a total of $158.75.

APPEAL NO. 83-139

CENTURY CONSTRUCTION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 6, 1983, for work done at 258 Taylor Street. APPLICATION NO. 8303682.

Mr. Don Lim spoke in support of the Department. Mr. O'Farien spoke on his own behalf. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that a penalty of $45.90, plus regular fee of $45.90 be paid, for a total of $91.80.

APPEAL NO. 83-135

JACK JAIR, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 1, 1983, for work done at 863/865 Greenwich. APPLICATION NO. 8208266.

Mr. Don Lim spoke in support of the Department. Mr. Jack Jair spoke on his own behalf. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department.

APPEAL NO. 83-138

CARL LEVINSON, Appellant vs. DEPT. PUBLIC HEALTH, Respondent

Denial on June 1, 1983, of permit to operate a cooking school at 620 Sutter Street, Room 204 (YWCA).

Ephraim Margolin, Esq., spoke for the appellant, and the appellant spoke on his own behalf. Albert Chinn, Principal Inspector with the Health Department, then presented his case. Bill Noland, also of the Health Department, spoke in support of the Department's position. President Giraudo felt that many of the violations spoke to a large commercial type of operation. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the following stipulations; (1) ceiling over the food preparation area must be replaced with a smooth, washable tile, with the Health Department's approval of material to be used; (2) the dishwasher is to be made operational and maintained in proper working order; (3) premises are subject to inspection by the Health Department and are to be kept in a sanitary condition.

*APPEAL NO. 83-141

JAMES A. ROBINSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 26, 1983, to Sherman Uttinger of permit to alter a building at 18 Romain Street. APPLICATION NO. 8301172.

The protest appellant, James A Robinson, presented his complaints about the greenhouse addition, which was built without a permit. The matter was then continued to June 22, 1983, to allow an inspection by the Department of Public Works and Department of City Planning. Justin Dwinnell, Esq., attorney for the permit holder, spoke briefly also, and he was advised to be present at the inspection.

APPEAL NO. 83-134

LUTHER A. ELARMS, dba "VALHALLA," Appellant vs. POLICE DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

Denial on May 23, 1983, of Dance Hall Keeper permit at 1751 Fulton Street.

Lawrence Wilson, attorney for the Police Department, and Sidney Shaw, Department of City Planning, spoke on behalf of the departments. Philip Siggins, Esq., attorney for the permit holder, spoke on behalf of the appellant. Upon motion of Vice President Jackson, the Board voted unanimously to overrule the Departments with the following stipulations; (1) the electrical requirements of the Department of Public Works be met; (2) the Noise Abatement ordinance must be complied with; (3) there will be no dancing after midnight Monday through Thursday (holidays excepted); (4) the size of the dance floor will be limited to 150 square feet.

APPEAL NO. 83-076

W.P.C., dba "TRADER SAM'S COINS AND STAMPS," Appellant vs. POLICE DEPT., Respondent

Denial on March 25, 1983, of secondhand dealer permit at 498 Valencia Street.

Director Pilcher advised the Board that both parties to this appeal wished to have a continuance until June 22, 1983. Upon motion of President Giraudo, the Board unanimously voted to continue the matter to June 22, 1983.

APPEAL NO. 83-136

BORDIN CANADA, dba "MR. B's ICE CREAM," Appellant vs. POLICE DEPT., Respondent

Denial on May 23, 1983, of permit for mechanical amusement devices at 4850 Third Street.

Lawerence Wilson, Esq., attorney for the Police Department, Officer Mahoney, and a number of other officers and neighbors testified that this has been a continuing trouble spot with juveniles and drug dealings. Richard De Jaurequi, Esq., attorney for the permit holder, then presented his case. His associate, Christopher Hall, Esq., also spoke. After much testimony, a motion was made by President Giraudo to uphold the Department and deny the permit. The vote was 4-1, with Commissioner Guggenhime dissenting.

*APPEAL NO. 83-140

JOON HO PAK, dba "GOLDEN GATE BILLIARDS," Appellant vs. POLICE DEPT., Respondent

Denial on May 30, 1983, of billiard parlor permit at 5450 Geary Boulevard.

Lawrence Wilson, Esq., stated the neighborhood opposition to the permit based on noise, parking, and congestion. Several witnesses testified in support of the Department's denial. Norman Lew, Esq., attorney for the appellant, presented his case. After discussion, the matter was continued to June 22, 1983, in order to allow President Giraudo to make an informal inspection of the site prior to the vote.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 9:18 p.m.

DATE: June 15, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Excutive Director

M I N U T E S

SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS

JUNE 15, 1983

A special meeting of the Board (executive session) was held at 4:00 p.m. in the City Attorney's office with regard to matters in litigation.

Present were: President Giraudo, Commissioners Engmann, and Berg, Deputy City Attorneys Melba Yee and Alice Barkley and Executive Director, Claire C. Pilcher.

DATE: June 15, 1983
BOARD OF PERMIT APPEALS

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 22, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:19 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Lawrence Wilson, Esq., representing the Police Department; Deputy City Attorney Alice Barkley; Mr. Don Lim, of the Department of Public Works; Mr. Sidney Shaw, representing the Department of City Planning and Zoning Administrator; Executive Director Claire C. Pilcher; and Doris Levine, Official Hearing Reporter.

Commissioner Douglas J. Engmann arrived at 5:57 p.m.

The first matters to be heard from the regular calendar, called out of order, were:

APPEAL NO. 83-145

O'CONNOR LIMOUSINE SERVICE, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 6, 1983, of a sightseeing bus stand permit on Union Square. President Giraudo advised that there is a question whether or not the Board has jurisdiction over this matter. He requested that the Director secure an opinion from the City Attorney's office and the Police Department. The case was continued to June 30, 1983.

APPEAL NO. 83-146

LORRIE'S AIRPORT SERVICE AND SIGHTSEEING TOURS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 6, 1983, of establishment of special tour bus loading zone on Beach Street and on Leavenworth Street.

Deputy City Attorney, Alice Barkley, advised the Board that it had no jurisdiction to hear this appeal until it has gone through the Police Department. President Giraudo stated that this appeal would not be heard, and he directed the appellant to apply to the Police Department. The case was withdrawn from the calendar.

The calendar continued in order of the published agenda:

APPEAL NO. 83-131

JOHN LAVRICH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 16, 1983, to J.F. White, permit to alter a building at 108 Alpine Terrace. (APPLICATION NO. 8301088)

President Giraudo, Commissioner Berg, Mr. Sidney Shaw of the Department of City Planning, and architect Robert Engman made a site inspection. Commissioner Berg reported that the proposed peaked roof, while within code, would have an adverse affect on the neighborhood. Upon motion of Commissioner Berg, the Board unanimously concurred with the Department, with the stipulation that: (1) the roof is to be flat; (2) the vertical addition is not to exceed twelve feet. Mr. Lavrich waived his right to request a rehearing.

APPEAL NO. 83-141

JAMES A. ROBINSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 26, 1983, to Sherman Uttinger, permit to alter a building at 18 Romain Street. (APPLICATION NO. 8301172)

Mr. Sidney Shaw spoke in support of the Department. He stated that he, with Don Lim, had made a site inspection of the property. They verified that the addition was in fact a greenhouse. Justine Dwinnel, Esq., spoke on behalf of the appellant, who was also present. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department with two stipulations: (1) install a gutter on the greenhouse roof; (2) remove the rail that is now around the greenhouse roof.

APPEAL NO. 83-140

JOON HO PAK, dba "GOLDEN GATE BILLIARDS," Appellant POLICE DEPARTMENT, Respondent

Denial on May 30, 1983, of billiard parlor permit at 5450 Geary Boulevard.

Prior to the meeting, President Giraudo visited the site. He felt that the neighbor's fears that the billiard parlor would adversely affect the neighborhood were based on a lack of knowledge of the intrinsic nature of the proposed business. After discussion and upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the following stipulations: (1) the business hours will be from 11 a.m. to 12 p.m. seven days a week; (2) only coffee and tea will be served.

APPEAL NO. 83-076

W.P.C., INC., dba "TRADER SAM'S COIN AND STAMPS," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on March 25, 1983, of secondhand dealer permit at 498 Valencia Street.

Lawrence Wilson, Esq., spoke on behalf of the Police Department. He stated that the Department opposed the permit due to the possible involvement of a one Sam Frudakis in the business. Lawrence Wilson stated Mr. Frudakis is not a proper party in the judgment of the Department due to a related criminal record. George Davis, Esq., and Mr. William Mountanos spoke on behalf of the appellant. Mr. Frudakis also addressed the Board. Upon motion of President Giraudo, the Board voted 3 to 2 to uphold the Department and deny the permit, with Commissioners Jackson and Guggenhime voting to overrule.

APPEAL NO. 83-144

LEO LARSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for building work at 26 Wood Street. APPLICATION NO. 8302853.

Mr. Don Lim spoke in support of the Department. Mr. Ted Lenbart, co-owner of the property, spoke for the appellant. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that a reduced investigative fee, $500, plus the regular fee, $219.30, for a total of $719.30, be paid.

APPEAL NO. 83-143

TONY BOWLES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 9, 1983, of permit to alter a building at 754-58 Oak Street. APPLICATION NO. 8305309.

Mr. Don Lim spoke on behalf of the Department. He stated that the installation of a ship's ladder would be acceptable to the Department. Mr. Bowles stated that this would be a viable solution to his problem. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that a ship's ladder be installed that is accessible only from the top floor.

APPEAL NO. 83-142

ROBERT W. LEM, dba "PEARL RIVER CATERING COMPANY," Appellant POLICE DEPARTMENT, Respondent

Denial on May 30, 1983, for mobile caterer permit-additional stop at 50 Front Street.

Lawrence Wilson, Esq., spoke on behalf of the Police Department. The appellant spoke on his own behalf, stating that many other mobile caterers parked in loading zones. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department.

APPEAL NO. 83-133

DARYOUSH AMIREHSANI, dba "SHANEN SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on May 23, 1983, of massage establishment permit at 532 Jones Street.

Lawrence Wilson, Esq., spoke on behalf of the Department. Mr. Brad Paul, Director of the North of Market Planning Association, and many other interested neighbors voiced support of the Department's denial, citing oversaturation of massage parlors in the area. Ronald Foreman,Esq., represented the appellant. After lengthy discussion, upon motion of Commissioner Berg, the Board voted unanimously to uphold the Department.

APPEAL NO. 83-137

SHEILA M. McCONNON, dba "THE CARNIVAL CLUB," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on May 23, 1983, of Dance Hall Keeper permit at 177 Eddy Street.

Lawrence Wilson,Esq., spoke on behalf of the Department. He stated that the establishment already presented serious problems and that the permit would possibly exacerbate these problems. Mr. Brad Paul, Director of the North of Market Planning Association, was joined by neighbors in voicing support of the Department. Ronald Foremen, Esq., spoke on behalf of the Appellant. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department.

DATE: June 22, 1983
BOARD OF PERMIT APPEALS

Louis J. Giraudo ccp
Louis J.Giraudo, President

Claire C. Pilcher
Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS,
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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 29, 1983

The regular meeting of the Board of Permit Appeals was called to order by Vice President Jackson at 5:15 p.m.

Present were: Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

President Louis J. Giraudo was absent.

Also present were: Ms. Alice Barkley, Deputy City Attorney; Mr. Robert Passmore, Zoning Administrator; Mr. Lucien Blazej, Ms. Barbara Sahm, and Mr. Mike Estrada, representing the Department of City Planning; Mr. Bob Kelley, of the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Ms. Claire C. Pilcher, Executive Director; and Ms. Doris Levine, the Official Hearing Reporter.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE.

APPEAL NO. 83-136

BORDIN CANADA, dba "MR. B's ICE CREAM," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on May 23, 1983, of permit for mechanical amusement devices at 4850 Third Street.

On June 15, 1983, President Giraudo had moved to uphold the Department and deny the permit. The vote was 4-1, with Commissioner Guggenhime dissenting. There being no motion to rehear, the request was denied, and the Decision of the Board is final.

REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN-DAY APPEAL PERIOD:

Henry A. Tombari, Jr. dba "Cafe Americain, Inc.," appealing for refund of penalty for work done at 317 Columbus Street. Upon motion of Commissioner Berg, the Board voted 4-0 to accept the appeal.

The first appeal (Item 5 on the calendar) was called out of order:

APPEAL NO. 83-145

O'CONNOR LIMOUSINE SERVICE, INC., Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Denial on June 6, 1983, of a sightseeing bus stand permit on Union Square.

This case was placed on the calendar to determine the question of the Board's jurisdiction. Lawrence Wilson, Esq., stated that Alice Barkley, Deputy City Attorney, had advised him that this matter came under the jurisdiction of the Department of Public Works. Bob Kelley of the Department of Public Works informed the Board that he was not the proper party to present the Department's case. The matter was continued to the July 13, 1983, meeting.

The next matter to be heard was:

APPEAL NO. 83-149

STANDARD CONSTRUCTION OF SAN FRANCISCO, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Imposition of a penalty on June 17, 1983, for work done at 2109 to 2111 Steiner Street. APPLICATION NO. 8305095.

Mr. Bob Kelley spoke in support of the Department. Mr. Thomas M. Sestak spoke on his own behalf. Upon motion of Vice President Jackson, the Board voted 4-0 to overrule the Department with the stipulation that one-half the investigation fee, $500, be paid, plus the regular fee of $161.50, for a total of $661.50.

APPEAL NO. 83-151

ED G. KHOURY, dba "KHOURY SUPER-MARKET," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 8, 1983, of permit for mechanical amusement devices at 118 Sagamore Street.

Lawrence Wilson, Esq., spoke on behalf of the Police Department. He presented a petition signed by neighbors protesting the issuance of the permit. He also stated that the area had serious social and economic problems and that the granting of the permit would possibly exacerbate these problems. There was no appearance by the appellant. On motion of Commissioner Berg, the Board moved to uphold the Department. The vote was unanimous.

APPEAL NO. 83-147

NERMIN DEUS AND ANWAR R. IMTAIR, dba "JERUSALEM'S LIQUOR AND DELI," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 8, 1983, of permit for mechanical amusement devices at 1300 Fitzgerald Avenue.

Lawrence Wilson, attorney for the Police Department, advised that this area has a high crime rate. His position, supported by several neighbors, was that the granting of this permit would further intensify an already existing problem. Peter Fatooh represented the appellant, and Mr. Imtair then spoke on his own behalf. Upon motion of Vice President Jackson, the Board voted 3 to 1 to uphold the Department with Commissioner Guggenhime voting to overrule.

APPEAL NO. V83-150

MARTIN N. WINDERL, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on June 10, 1983, to William and Valentina Verbrugge, permit for off-street parking variance sought at 3968-70 Twenty-fourth Street.

Robert Passmore presented the case for the Department. Several neighbors supported his position. Architect John Schlenke spoke on behalf of the permit holder. Mr. Winderl presented his own case citing the negative impact the granting of the variance would have on the neighborhood, also citing serious traffice problems. Upon motion of Commissioner Engmann, the Board voted 4 to 0 to uphold the Department and grant the variance.

APPEAL NO. 83-021

PATRICK AND SUSAN E. RYAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
(Yue vs. Board of Permit Appeals) CITY PLANNING APPROVAL
REMAND FROM SUPERIOR COURT

Protesting issuance on January 10, 1983, to Sun Yin and Linda Yue, permit to alter a building at 454-56 Twenty-eighth Avenue.

The appellants, Patrick and Susan Ryan, were not present. The Board felt that this case would best be heard before a full five member Board, being a remand from Superior Court. Continued to July 27, 1983.

APPEAL NO. 83-118

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on April 29, 1983, to Marathon Developers, of permit to erect a structure at Second and Folsom Streets (355 Second Street).

Vice President Jackson asked the Board members to certify that the EIR had been read and all Board members so certified. Those who were to testify in the matter were then sworn in by the Official Court Reporter, Ms. Doris Levine. Sue C. Hestor, Esq., represented the appellant and presented her case. Mr. Robert Passmore, Ms. Barbara Sahm, Mr. Lucien Blazej, and Mr. Mike Estrada, representing City Planning, spoke in support of the Department. After lengthy discussion, upon motion of Vice President Jackson, the Board voted 3 to 1 to uphold the Department, with Commissioner Engmann voting to overrule.

There being no further business to come before the Board, Vice President Jackson adjourned the meeting at 8:45 p.m.

DATE: June 29, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Excutive Director

BOARD OF PERMIT APPEALS
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 13, 1983

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:22 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Lawrence Wilson, Esq., for the Police Department; Ms. Alice Barkley, Deputy City Attorney; Mr. Sidney Shaw for the Department of City Planning; Mr. Don Lim and Gordon Hansen representing the Department of Public Works; Ms. Claire C. Pilcher, Executive Director; and Ms. Doris Levine, Official Hearing Reporter.

The first matter to be heard from the regular calendar, called out of order, was:

APPEAL NO. 83-158

WILLIAM F. McCABE (355 GREEN STREET, A PARTNERSHIP), Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Denial on June 23, 1983, of permit to alter a building at 355 Green Street.

Mr. Don Lim spoke in support of the Department. Mr. McCabe spoke on his own behalf. Upon motion of Commissioner Guggenhime, the Board voted unanimously to overrule the Department.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE.

REQUESTS FOR REHEARING:

APPEAL NO. 83-118

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on April 29, 1983, to Marathon Developers, of permit to erect a structure at Second and Folsom Streets (355 Second Street).

On June 29, 1983, the Board had voted 3 to 1 to uphold the Department, with Commissioner Engmann voting to overrule. There being no motion to rehear, the request was denied, and the decision of the Board is final.

APPEAL NO. 83-133

SHEILA M. McCONNON, dba "THE CARNIVAL CLUB," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on May 23, 1983, of Dance Hall Keeper's permit at 177 Eddy Street.

On June 22, 1983, the five member Board had voted unanimously to uphold the Department and deny the permit. There being no motion to rehear, the request was denied, and the decision of the Board is final.

APPEAL NO. 83-151

ED G. KHOURY, dba "KHOURY SUPERMARKET," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 8, 1983, of permit for mechanical amusement devices at 118 Sagamore Street.

On June 29, 1983, the Board had voted 4-0 to uphold the Department, as appellant had not appeared in time to be heard. Upon motion of Commissioner Berg, the Board voted unanimously to grant the rehearing. It will be calendared for the meeting of July 27, 1983.

MATTERS FOR CONSIDERATION:

Regarding Appeal No. 83-118, San Franciscans for Reasonable Growth, Vice President Jackson made a motion to accept the findings as prepared by the City Attorney's office. The appeal had been voted on at the June 29, 1983, meeting. The vote to accept the findings of the City Attorney's office was 3-1, with Commissioner Engmann casting the dissenting vote.

Amendment to Penalty Ordinance: Director Pilcher informed the Board that the Department of Public Works had advised the Board of a proposed change in the building code which would increase the maximum penalty for working without a permit from $1,000 to $2,000. The Board addressed the mechanics of the penalty process rather than concern with the actual amount. President Giraudo asked Mr. Lim to convey to Superintendent Levy their interest in having the assessment of the fines based on the dollar amount of the actual work completed without permit rather than on the figure representing the total cost of construction.

The next matter to be heard from the regular calendar was:

APPEAL NO. 83-145

O'CONNOR LIMOUSINE SERVICE, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 6, 1983, of a sightseeing bus stand permit on Union Square.

Mr. Gordon Hansen, Traffic Engineer for the Department of Public Works, spoke in support of the Department, as did Mr. Carl Barton, Director of Safety for Municipal Railway. Businessmen of the Union Square area voiced support of the Department. James Clapp, Esq., represented the appellant. Upon motion of Commissioner Berg, the Board moved to uphold the Department. The vote was unanimous.

APPEAL NO. 83-152

JOHN McGOLDRICK AND SON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 17, 1983, for work done at 19-A Casa Way.

Mr. Don Lim presented the Department's case. Mr. McGoldrick spoke in his own behalf. Upon motion of President Giraudo, the Board voted 4-1 to overrule the Department with Commissioner Engmann dissenting.

APPEAL NO. 83-160

HENRY A. TOMBARI, JR. dba "CAFE AMERICAIN, INCORPORATED," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for work done at 317 Columbus Avenue.

The appellant was absent. Upon motion of President Giraudo, the Board voted 5-0 to uphold the Department.

APPEAL NO. 83-159

SAID MOKHTARZADEH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty for work done at 910 Geary Street.

Mr. Don Lim spoke for the Department. Mr. John Tynon presented the case for the permit holder. Upon motion of Commissioner Berg, the Board voted 5-0 to uphold the Department.

APPEAL NO. 83-157

I. MAGNIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 23, 1983, of permit to alter a building at 133 Stockton Street.

Don Lim presented the case for the Department. Mr. Jay Litch, manager of I. Magnin, presented his case. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department and allow a tent structure on the roof with the following stipulations: (1) Signs reading "No Smoking" shall be posted on the premises; (2) No propane gas to be used; (3) All doors to swing towards the path of travel; (4) Two firemen must be on duty at all times while tents are being used; and (5) The elevators are to be enclosed to allow separate egress between the staircase and the elevators. The elevator vestibule is to be completely enclosed.

APPEAL NO. 83-162

TOWER HOTEL PARTNERS, LTD., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on July 5, 1983, of permit to alter a building at 1525 to 1529 Grant Avenue.

Mr. Don Lim spoke for the Department of Public Works. Mr. Michael Neuman of the Chinese Community Housing Association represented the appellant. He discussed at some length the extent and development of bathrooms, showers, and kitchen facilities. Commissioner Jackson viewed the kitchen facilities as inadequate. Upon motion of Commissioner Engmann, the Board voted 4-1 to overrule the Department, with Commissioner Jackson dissenting.

APPEAL NO. 83-156

ETHEL DROST, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 20, 1983, to Angelo Musante, permit to alter a building at 1255-46th Avenue.

Mr. Don Lim spoke for the Department. The appellant presented her case which included a written report from Mr. Theodore Anderson, structural engineer, citing the danger the new construction could pose to the appellant's building. Mr. Musante was present and was represented by his architect, Mr. William J. Heijn. President Giraudo continued the matter until the July 27, 1983 hearing, asking that in the interim Mr. Lim arrange an on-site inspection by structural engineers representing the appellant, the City Engineer's office and to also include the permit holder's architect.

APPEAL NO. 83-153

MAGDA HUDSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 14, 1983, to Enrique Altamirano, permit to alter a building at 750 Sweeny Street.

Mr. Don Lim represented the Department of Public Works. Mr. Sidney Shaw spoke for the Department of City Planning. He had made an on-site inspection of the property and did not find any code violations. Ms. Hudson spoke on her own behalf. Michael Miller, Esq., presented the permit holder's case and introduced Mr. Altamirano and his family. A petition signed by 26 neighbors supporting the permit holder was submitted. Upon motion of President Giraudo, the Board voted 5-0 to uphold the Department.

APPEAL NO. V83-154

VIVIAN WAGNER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on June 14, 1983, to Porter and Steinwedel, Architects, front set-back and rear yard variance sought at 3725 Washington Street.

Mr. Sidney Shaw spoke for the Zoning Administrator. He had visited the site and spoke at length of his findings. Mr. Barry G. Wagner spoke in support of the appellant's position. Several neighbors appeared to support the appellant. The permit holder was represented by Mr. Gorham Bilcarles, architect Robert Steinwedel and David Heilbron, Esq. The matter was continued to the July 27, 1983, hearing to allow for an on-site inspection by the Board scheduled for 5:30 p.m., July 26. 1983.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 8:00 p.m.

DATE: July 13, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo cdp
Louis J. Giraudo, President

Claire C. Pilcher
Claire C. Pilcher, Excutive Director

BOARD OF PERMIT APPEALS
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 27, 1983
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by Vice President Jackson at 5:13 p.m.

Present were: Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

President Louis J. Giraudo was absent.

Also present were: Lawrence Wilson, Esq., and Officer Michael Mahoney representing the Police Department; Deputy City Attorney Alice Barkley; Mr. Don Lim, of the Department of Public Works; Mr. Sidney Shaw, Ms. Nancy Gin and May Jung, representing the Department of City Planning and Zoning Administrator; Executive Director Claire C. Pilcher; and Doris Levine, Official Hearing Reporter.

THE FIRST MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR:

APPEAL NO. V83-154

VIVIAN WAGNER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on June 4, 1983, to Porter and Steinwedel, architects, permit for front set-back and rear yard variance sought at 3725 Washington Street.

This matter had been heard on July 13, 1983, and continued to allow a site inspection on July 26, 1983. Commissioner Guggenhime reported on the site inspection made by Vice President Jackson, Commissioner Engmann, and Executive Director Pilcher. Commissioner Guggenhime reported that the impact of the proposed work would be minimal on the neighboring houses. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Zoning Administrator.

APPEAL NO. 83-156

ETHEL DROST, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 20, 1983, to Angelo Musante, permit to alter a building at 1255-46th Avenue.

The appellant presented the written statement of a structural engineer, Theodore Anderson. Architect William J. Heijn spoke for the permit holder. A construction agreement incorporating a system of ties at the foundation level was proposed by the representatives for both sides which was agreeable to the appellant. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department, with the stipulation that the tie system between the floor and roof levels to the side wall of the building addition be installed in accordance with City codes and the sketch attached to Mr. Anderson's letter dated July 26, 1983.

APPEAL NO. 83-021

PATRICK AND SUSAN E. RYAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
REMAND FROM SUPERIOR COURT

Protesting issuance on January 10, 1983, to Sun Yin and Linda Yue, permit to alter a building at 454-56 Twenty-eighth Avenue.

All parties to the action agreed to incorporate the findings of the previous hearings. Mr. Ryan spoke on his own behalf. Mr. Lim responded for the Department of Public Works. Mr. Sidney Shaw spoke for the Department of City Planning. Owen P. O'Donnell, Esq., represented the permit holder as did Mr. Bruce Baumann, architect. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and issue the permit.

APPEAL NO. 83-151

ED G. KHOURY, dba "KHOURY SUPERMARKET," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June, 1983, of permit for mechanical amusement devices at 118 Sagamore Street.

Lawrence Wilson, Esq., spoke for the Police Department. He cited the possibility of an increased level of crime should the permit be granted, and also noted considerable community opposition. Mr. Ray Totah, representative of the vending company owned by Mr. Hanna Freij, spoke in support of Mr. Khoury who was also present. Upon motion of Vice President Jackson, the Board voted 4-0 to uphold the Department.

APPEAL NO. 83-163

NORTH OF MARKET PLANNING COALITION, Appellant vs. POLICE DEPARTMENT, Respondent

Protesting issuance on June 29, 1983, to Muoi Thao Dao, dba "Waikiki Spa," permit for massage establishment at 246 Leavenworth Street.

Lawrence Wilson, Esq., spoke for the Police Department. Mr. Jerry Schween, President of the North of Market Planning Coalition, led the appellant's presentation. Concerned neighbors, including Coalition member Bradford Paul, voiced opposition to the granting of the permit. They felt that the granting of the permit would diminish the quality of living in the area. Christopher Hall, Esq., presented the case for the permit holder. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department.

APPEAL NO. 83-167

JOE H. SHAW, dba "THE FAMILY AFFAIR," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 13, 1983, of permit for billiard parlor and mechanical amusement devices at 6235 Third Street.

Prior to testimony, Ms. Doris Levine, Official Court Reporter, swore in the people who were to testify. Attorney Lawrence Wilson presented the case for the

Police Department, citing the area's high level of crime and intense community opposition. Police Officer Michael Mahoney testified as to previous law violations on the property. Ira Bracken, Esq., represented Mr. Shaw who also spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to concur with the Department regarding the billiard denial. Addressing the video game denial, the Board voted 4-0 to overrule the Department. The stipulations were: (1) The video games were to be of the sit down type; (2) The games were to be located 30 ft. from the front door; and (3) The permit is for six months probationary period and is not automatically renewable.

APPEAL NO. 83-168

JIM NICHOLAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 5, 1983, to James Vietti, permit to erect a structure at 305 Castro Street.

The appellant spoke in his own behalf stating that the proposed construction would eliminate his view and diminish his sunlight. Ms. Beth Ruona, the former owner of the property and a neighbor, voiced her opposition. Mr. James Vietti presented his case. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department.

APPEAL NO. 83-164

DON W. LEE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 7, 1983, to Gilbert Wong, permit to alter a building at 480 Gold Mine Drive.

Mr. Don Lim spoke for the Department of Public Works. Mr. Lee, the appellant, stated that the new construction would block the sun from his deck as well as violate his privacy. Mr. Al Fong, a consulting engineer, spoke for the permit holder, Mr. Wong, who was also present. Upon Motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department with the stipulation that the work covered by this permit be in accordance with the plans on file, i.e., that the deck not be higher than the top of the fence.

APPEAL NO. 83-166

RAMONA ALBRIGHT, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 5, 1983, to Robert W. Nelson, permit to alter a building at 177 Crown Court.

Mr. Don Lim spoke for the Department. Ms. Albright spoke on her own behalf. Mr. Jack Smith spoke for the permit holder, Robert Nelson, who was also present. Upon motion of Commissioner Berg, the Board voted 4-0 to uphold the Department.

APPEAL NO. 83-165

GUY ROMANO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 11, 1983, of permit to alter a building at 39 Delmar Street.

Ms. Nancy Gin and Ms. May Jung presented the case for City Planning Department. Mr. Don Lim spoke for the Department of Public Works. The City's position was that the appellant's proposal to legalize a third unit would exceed the allowable density and violate the City Planning Code. Mr. Romano spoke on his own behalf. Upon motion of Vice President Jackson, the Board voted 4-0 to uphold the Department.

APPEAL NO. V83-155

MR. AND MRS. WILLIAM DeMARTINI, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 27, 1983, of off-street parking variance at 119 and 127 Lowell Street.

Mr. Sidney Shaw reported for the Zoning Administrator. Mr. Bruce Baumann, architect, spoke for the property owners, Mr. and Mrs. William DeMartini, who were also present. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Zoning Administrator's denial of the parking variance.

DATED: July 27, 1983

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

M I N U T E S
SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS
TUESDAY, JULY 26, 1983

A special meeting of the Board (site inspection) was held at 5:30 p.m. at 3725 Washington Street with regard to:

APPEAL NO. V83-154

VIVIAN WAGNER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on June 4, 1983, to Porter and Steinwedel, architects, permit for front set-back and rear yard variance sought at 3725 Washington Street.

Vice President Jackson, Commissioners Engmann and Guggenhime, and Executive Director Claire C. Pilcher made the site inspection.

DATED: July 26, 1983

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 10, 1983

The regular meeting of the Board of Permit Appeals was called to order by President Louis J. Giraudo at 5:22 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Mr. Don Lim of the Department of Public Works; Mr. Sidney Shaw representing the Department of City Planning and Zoning Administrator; Mr. Bill Nall and Mr. Al Chinn of the Department of Health; Executive Director Claire C. Pilcher; and Doris Levine, Official Hearing Reporter.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE.

REQUESTS FOR REHEARING:

APPEAL NO. 83-021

PATRICK & SUSAN E. RYAN, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 10, 1983, to Sun Yin and Linda Yue, permit to alter a building at 454-56 28th Avenue.

On July 27, 1983, the Board voted 4-0 to uphold the Department. Upon motion of President Giraudo, the Board voted 4-1 to rehear the appeal. Vice President Jackson cast the dissenting vote. The case will be placed on the next five member agenda, September 14, 1983.

APPEAL NO. 83-167

JOE H. SHAW, dba "THE FAMILY AFFAIR," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 13, 1983, of permit for billiard parlor and mechanical amusement devices at 6235 Third Street.

On July 27, 1983, the Board voted 4-0 to concur with the Department regarding the billiard denial. There being no motion to rehear, the request was denied, and the decision of the Board is final.

APPEAL NO. 83-168

JIM NICHOLAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 5, 1983, to James Vietti, permit to erect a structure at 305 Castro Street.

On July 27, 1983, the Board voted 4-0 to uphold the Department. There being no motion to rehear, the request was denied, and the decision of the Board is final.

(2) REQUEST THAT THE BOARD TAKE JURISDICTION:

Adult Theatre Permit, 895 O'Farrell Street:
Director Pilcher advised the Board of the City Attorney's advice regarding the request by Attorney Emily Graham that the Board take jurisdiction in the matter of the adult theater permit of the O'Farrell Theatre at the above address. Ms. Pilcher noted that the letter from the Police Department dated July 11 did not constitute an issuance, denial or revocation of a permit as required by the San Francisco Municipal Code Part III, Article 1, Section 30. There being no motion, the Board rejected the request to take jurisdiction.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR:

APPEAL NO. 83-170

ARA PAPAZYAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on July 25, 1983, for work done at 2386 Fifteenth Avenue.

Mr. Don Lim spoke in support of the Department's position. Mr. Papazyan spoke on his own behalf. Upon motion of Commissioner Guggenhime, the Board voted unanimously to overrule the Department with the stipulation that a penalty of $83.85, plus regular fee of $83.85 be paid, for a total of $167.70.

APPEAL NO. 83-177

ROBERT OAKS/FRED SHENG, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 2, 1983, for work done at 4293 Twenty-third Street.

Mr. Don Lim spoke on behalf of the Department of Public Works. He stated that work was done on the appellant's property without a permit. Mr. Oaks, the appellant, advised the Board that he was unaware that a permit was required. Upon motion of President Giraudo, the Board voted unanimously to concur with the Department and impose the full penalty.

APPEAL NO. 83-174

KELVIN CHUEN, Appellant vs. DEPT. PUBLIC HEALTH, Respondent

Denial on July 28, 1983, of food preparation and service establishment permit at 2800 Leavenworth.

Mr. Bill Nall and Mr. Al Chinn presented the case for the Department of Public Health. They noted that the appellant had been made aware of work required before the permit application could be approved, which work had not been done. Mr. Chuen spoke on his own behalf. Upon motion of President Giraudo, the Board voted 5-0 to concur with the Department.

APPEAL NO. 83-171

RAY J. KUJASKI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on July 26, 1983, of permit to alter a building at 2194 Thirty-sixth Avenue.

Mr. Don Lim again spoke for the Department stating that the proposed construction violates a special department regulation that speaks to windows opening onto air wells. Mr. Lim further noted to the Board that a complete evaluation of the situation was hampered by the fact that the building inspector was unable to gain admittance to the building. Mr. Kujaski presented his case. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department with the following stipulations: (1) That a fan be installed in the bathroom; and (2) That no permit shall be issued until an inspection is arranged by the permit holder to ascertain that the bathroom is the only room opening onto the skylight.

APPEAL NO. 83-161

WILLIAM J. RASKOFF, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 24, 1983, to Neil McLaughlin, permit to erect a structure at 623 to 625 Forty-seventh Avenue.

Mark Aaronson, Esq., attorney for the protestant group, made the initial presentation for the appellant. Dr. William Raskoff's presentation spoke to the neighborhood issues, stating that his group wanted to preserve the neighborhood character and style. His position was supported by several concerned neighbors. Attorney Philip Siggins spoke at length on behalf of the permit holder. President Giraudo felt that the legal implications of the situation needed to be clarified before the Board could proceed further. Both attorneys were directed to submit any briefs to the Board of Permit Appeals within five days for submittal to the City Attorney's office. The matter was continued to August 31, 1983, and the Executive Director was instructed to seek a City Attorney's opinion on issues raised by Mr. Siggins during his presentation.

APPEAL NO. 83-169

BARTLE WELLS ASSOCIATES, Appellant vs. DEPT PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 11, 1983, to Ming's Restaurant, permit to alter a building at 1635 Bush Street.

Mr. Edmund Wells opened his presentation by introducing his attorney, James Parnell. Mr. Wells' major contention was that misinformation had been incorporated in the initial application submitted by the permit holder, particularly in regard to the commercial history of the property. The permit holder was present and communicated to the Board through an interpreter, Allen Yee. Mr. Sidney Shaw presented the case for the Department of City Planning, stating that his department may well have conducted an incomplete investigation of the facts presented in the permit application. President Giraudo continued the case to August 31, 1983, with the instructions to the permit holder to meet with representatives of City Planning and present evidence to support their contention that the commercial use of the property had not been abandoned. They were also advised that they might want to engage legal counsel.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 8:22 p.m.

DATE: August 10, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SANFRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, AUGUST 31, 1983

The regular meeting of the Board of Permit Appeals was called to order by President Louis J. Giraudo at 5:08 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Jerry E. Berg

Commissioner Richard J. Guggenhime was absent.

Also present were: Mr. Don Lim of the Department of Public Works; Mr. Sidney Shaw and Ms. Nancy Gin representing the Department of City Planning and Zoning Administrator; Lawrence Wilson, Esq., and Officer Farrell Suslow for the Police Department; Ms. Robin Manion, Deputy City Attorney; Executive Director Claire C. Pilcher; and Doris Levine, Official Hearing Reporter.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

The first matter to be heard from the regular calendar was:

APPEAL NO. 83-169

BARTLE WELLS ASSOCIATES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 11, 1983, to Ming's Restaurant, permit to alter a building at 1634 Bush Street. For further hearing today.

Gordon Lau, Esq., spoke for the permit holder. He advised that the non-conforming use of the premises was not abandoned due to the presence in the building of a printing establishment during a period of time from March 1983 until July of 1983. Mr. Wells' attorney, Howard Paenelli, spoke at great length questioning the continuing non-conforming use of the property. Upon motion of Commissioner Engmann, the Board voted 4 to 0 to concur with the Department with the following stipulations: (1) Commercial use of the building will be restricted to an area extending 50 feet from the front hall; (2) The commercial area must meet all requirements fo the San Francisco Building Code.

APPEAL NO. 83-107

JOSEF J. POHL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DEPT. OF CITY PLANNING

Denial on May 2, 1983, of permit to alter a building at 121 Moffitt Street.

Mr. Don Lim spoke for the Department. Ms. Robin Manion, Deputy City Attorney, advised the Board that the case had been referred to her office for legal action. Mr. Pohl spoke on his own behalf. Upon motion of President Giraudo, the Board voted 4-0 to uphold the Department.

APPEAL NO. 83-197

ALBERT G. ARTOUX, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL

Denial on August 23, 1983, of permit to alter a building at 835 O'Farrell Street.

Mr. Don Lim presented the case for the Department. Mr. Artoux spoke on his own behalf. He noted his objection to the Code sections that spoke to the number of required sanitation units required in his building. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department with the following stipulation: (1) That a community bath be installed on floors 3 and 5.

APPEAL NO. 83-182

RICHARD ADAMS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 8, 1983, for work done at 551 Joost Avenue.

The Department was again represented by Mr. Don Lim. Mr. Adams spoke on his own behalf citing the Department for lack of cooperation. Upon motion of Commissioner Engmann, the Board voted unanimously to overrule the Department with the stipulation that a penalty of $500, plus the regular fee of $262.25 be paid, for a total due the Department of $762.25.

APPEAL NO. 83-179

DAVID C. PHILLIPS/ALISON PEARSON, vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 5, 1983, for work done at 3732 Sacramento Street.

Chief Building Inspector Don Lim presented the case for the Department. Mr. David C. Phillips told the Board that his lack of knowledge of what was required when making repairs on a building had caused him to violate the City Building Code. Upon motion of Vice President Jackson, the Board voted unanimously to overrule the Department with the stipulation that the penalty be reduced to two times the regular fee of $118.15 for a total due the Department of $236.30.

APPEAL NO. 83-189

ALLAN M. GRAY, dba "ALLAN'S ELECTRIC," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 12, 1983, for work done at 398 Hayes Street.

Case for the Department was presented by Mr. Don Lim, who stated that work done without a permit consisted of the installation of exterior lights. Mr. Allan Gray spoke on his own behalf. Upon motion of Vice President Jackson, the Board voted 4-0 to concur with the Department.

APPEAL NO. 83-194

DONALD R. McGEE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 14, 1983, for work done at 464 Valley Street.

Mr. Don Lim spoke on behalf of the Department. Mr. McGee told the Board that he was not aware that a permit was necessary for the work done on his property. Upon motion of Vice President Jackson, the Board voted unanimously to overrule the Department with the stipulation that the penalty be reduced to one-half the investigative fee, $500, plus the regular fee of $334.90, for a total due the Department of $834.90.

APPEAL NO. 83-195

THOMAS E. McCORMICK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 33, 1983, for work done at 4135 Army Street.

Mr. McCormick represented himself. Mr. Don Lim spoke for the Department. Ms. Nancy Gin presented a summary of the Department of City Planning's involvement in this case. Mr. McCormick gave a lenthy response to the Departmental position that he had work done without a permit to convert storage area into additional units, thus creating three floors of occupancy. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department.

APPEAL NO. 83-180

GEORGE DAVID, M.D., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 26, 1983, to Professional Sponsoring Fund, permit to demolish a building at 2326 California Street.

Chief Building Inspector Don Lim represented the Department. Doctor David, the protest appellant, spoke on his own behalf. He objected to demolition of 2326 California Street to create a parking lot. Mr. Gregg Holzman, representing the permit holder, told the Board that his group had not yet determined the direction the property development would take. President Giraudo continued the case until the September 14, 1983 hearing. The additional time was to enable the owners to further develop their plans and perhaps have dialogue with the protest appellant.

APPEAL NO. 83-193

JONATHAN B. MARX, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 9, 1983, to Hy Gurman, permit to erect a structure at 105 Anderson Street.

In a letter dated September 1, 1983, the appellant advised this office that he had decided to withdraw his appeal. This letter confirmed his telephone conversation with Director Pilcher on August 31, 1983. The appellant felt that his purposes would be best served by pursuing the matter through civil action.

APPEAL NO. 83-187

LAINELL M. WHITE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 4, 1983, to David Phillips/Alison Pearson, permit to alter a building at 3732 Sacramento Street.

In a letter dated August 30, 1983, the appellant advised this office that she had decided to withdraw her appeal. She stated that the Divsision of Plumbing Inspection had assigned the plumbing violations to another property. She agreed with this action and stated that it was no longer necessary to pursue the appeal process.

APPEAL NO. 83-184 and APPEAL NO. 83-185

DAVID V. COSTA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 27, 1983, to Arnold Smoller, permit to erect a structure at 610 Duncan Street and 620 Duncan Street.

Mr. Sidney Shaw represented the Department of City Planning, Mr. Don Lim the Department of Public Works. Protest appellant, Mr. David Costa, was supported in his presentation by Mr. Keith Eickman, who identified himself as a member of the Park and Recreation Commission. They spoke at length of the negative environmental impact of the proposed construction. Also questioned was the City Planning decision to allow construction on the designated lots. John Molinari, Esq., spoke for the permit holder emphasizing that matters before the Board had been dealt with previous to this hearing. Architect Tom Toneali also spoke on behalf of the permit holder. Upon motion of President Giraudo, the Board voted 4-0 to uphold the Department.

APPEAL NO. 83-181

MONTCLAIR TERRACE ASSOCIATION, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 26, 1983, to Genstar Pacific Investments, permit to erect a structure at 1055 Lombard Street.

Parties involved in appeal agreed to a continuance. Appeal scheduled for hearing September 21, 1983.

APPEAL NO. 83-196

AUDREY PENN RODGERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 26, 1983, to George Silveria permit to alter a building at 3726-21st Street.

Case continued to September 14, 1983, for review of plans. Permit holder has the only set of plans. David K. Yamakawa, Jr., Esq., represented the appellant, and Attorney Sean C. Claymore spoke for the permit holder.

APPEAL NO. V83-191

FRANK AND ANITA WING, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on August 4, 1983, of front and rear height variances sought for property at 26 Glover Street.

Mr. Sidney Shaw presented the case for the Zoning Administrator. John McInerney, Esq., spoke for five neighbors who are protesting the planned project. Attorney Ron Hooton presented the case on behalf of the property owner. Upon motion of President Giraudo, the Board voted 4-0 to uphold the Department.

APPEAL NO. 83-183

RAMON A. SANCHEZ, dba "EL VIEJO CARRUSEL II," Appellant vs. POLICE DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 6, 1983, of secondhand dealer permit at 3683 Twentieth Street.

Case continued to hearing on September 14, 1983.

APPEAL NO. 83-172

BARBARA ANN PODRID, Appellant vs. POLICE DEPT., Respondent

Denial on July 26, 1983, of pushcart peddler's permit at Northwest corner of Fremont and Mission Streets, 101 California Street.

Case continued upon request of appellant who stated attorney was out of town.

Case scheduled for hearing September 14, 1983.

APPEAL NO. 83-176

MI PAK RYONG, dba "KINJA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 28, 1983, of permit for massage establishment at 712 Polk Street.

Mr. Lawrence Wilson, Esq., represented the Department. Ms Judy Paravent was the attorney who spoke for the appellant. The case was continued to the September 14, 1983 hearing.

APPEAL NO. 83-178

MARY M. STALLWORTH, dba "ROUND TABLE PIZZA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 28, 1983, of permit for mechanical amusement devices at 1503 Northpoint Street.

Lawrence Wilson, Esq., represented the Police Department. Ms. Mary Stallworth spoke on her own behalf. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department.

APPEAL NO. 83-188

MOHAMED MUGALLI, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 3, 1983, of permit to operate a taxicab.

Lawrence Wilson, Esq., presented the case for the Police Department. Michael Hanley, Esq., represented the appellant, who was also present. The appellant told the Board that he had maintained a residence in the City for one consecutive year immediately preceeding the date of his application to operate a taxicab. Upon motion of Vice President Jackson, the Board voted unanimously to overrule the Department.

APPEAL NO. 83-190

JESUS LOSA dba "NO. 97", Appellant vs. POLICE DEPARTMENT, Respondent

Suspension on August 3, 1983, of permit to operate public vehicle-jitney bus on Third Street Route.

Lawrence Wilson, Esq., and Officer Farrell Suslow represented the Police Department. Mr. Philip Pearson was the attorney for the appellant who also spoke on his own behalf. Several people who represented themselves as passengers of Mr. Losa spoke at length on his behalf. Upon motion of Vice President Jackson, the Board voted unanimously to overrule the Department with the stipulation that the suspension time be reduced from 15 days to 5 working days, after another jitney permit had been granted for this route.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 9:27 p.m.

DATE: August 31, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 14, 1983

The regular meeting of the Board of Permit Appeals was called to order by President Louis J. Giraudo at 5:16 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Mr. Don Lim of the Department of Public Works; Lawrence Wilson, Esq. and Officer Hession for the Police Department; Ms. Alice Barkley, Deputy City Attorney; Mr. Robert Passmore, Zoning Administrator; Mr. Lucien Blazej, Ms. Barbara Sahm and Mr. Sidney Shaw representing the Department of City Planning; Ms. Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

The first matters to be heard were the following Requests for Rehearing:

APPEAL NO. 83-178

MARY M. STALLWORTH, dba "ROUND TABLE PIZZA," Appellant vs. POLICE DEPARTMENT, Respondent

On July 28, 1983, the Board voted 4-0 to uphold the Department's denial. There being no motion to rehear, the request was denied, and the Decision of the Board is final.

APPEAL NO. 83-195

THOMAS E. McCORMICK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty of August 22, 1983, for work done at 4135 Army Street.

On August 31, 1983, the Board voted unanimously to uphold the Department and impose the full penalty. There being no motion to rehear, the request was denied, and the Decision of the Board is final.

The next matters to be heard were from the regular calendar:

APPEAL NO. 83-021

PATRICK AND SUSAN E. RYAN, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Protesting issuance on January 18, 1983, to Sun Yin and Linda Yue, permit to alter a building at 454 to 456 Twenty-eighth Avenue.

Mr. Don Lim spoke on behalf of the Bureau of Building Inspection. Mr. Patrick Ryan summarized the essence of his protest. He was supported by Jonathan Bulkley, representing the Planning Association for the Richmond. Owen O'Donnell, Esq. spoke for the permit holder as did Mr. Bruce Baumann. Ms. Alice Barkley represented the City Attorney's office. Upon motion of President Giraudo, the Board voted 4-1 to uphold the Department with the stipulation that the third-floor penthouse not be built. Vice President Jackson cast the dissenting vote.

APPEAL NO. 83-161

WILLIAM J. RASKOFF, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 24, 1983, to Neil McLaughlin, permit to erect a structure at 623-625 Forty-seventh Avenue.

The Department of Public Works was represented by Chief Building Inspector Don Lim. Ms. Alice Barkley, Deputy City Attorney, represented the City Attorney's office. The appellant, who was present, was represented by Mark Aaronson, Esq. Mr. Philip Siggins was the attorney for the permit holder, Mr. Neil McLaughlin, who was also present. Upon motion of President Giraudo, the Board voted 4-1 to overrule the Department and deny the permit, based upon the City Attorney's office. Vice President Jackson cast the dissenting vote.

AT THIS POINT APPEAL NO. 83-205 WAS TAKEN OUT OF ORDER:

APPEAL NO. 83-205

MARGARET C. LING, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL
CITY PLANNING DISAPPROVAL

Denial on August 31, 1983, of permit to alter a building at 1490-92 Sixth Avenue.

This appeal was withdrawn, an agreement between appellant and the Departments having been reached.

THE REGULAR CALENDAR WAS CONTINUED.

APPEAL NO. 83-198

THE PACIFIC STOCK EXCHANGE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 25, 1983, of permit to alter a building at 220 Montgomery Street.

Prior to hearing the appeal, President Giraudo stated that his anticipated affiliation with the law firm of Coblentz, Cahen, McCabe and Breyer was a possible remote conflict of interest. He also stated Commissioner Engmann's association with the Pacific Coast Stock Exchange presented a direct conflict of interest. Upon motion of Commissioner Guggenhime, the Board voted to excuse Commissioner Engmann from voting on the appeal. President Giraudo remained with the Board to hear the appeal. Mr. Don Lim represented the Department of Building Inspection. Mr. Charles Richerhauser, Chairman of the Pacific Coast Stock Exchange, spoke on behalf of the appellant. He was supported by the testimony of architect Robert Cook. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department with the following stipulations: (1) exiting requirements shall be met to insure life safety; (2) an automatic sprinkler system will be installed in the project area; (3) all Fire and Life Safety Standards are to be met as required by the San Francisco Fire Department and the Bureau of Building Inspection are to comply with proposed and future occupant load.

APPEAL NO. 83-200

HARCOURT RESIDENCE CLUB, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 23, 1983, of permit to alter a building at 1105 Larkin Street.

The Department of Public Works was represented by Mr. Don Lim. Mr. Andrew Lang spoke for the appellant. He described a facility that catered primarily to new arrivals in the City who were seeking low cost, temporary housing. Upon motion of Commissioner Engmann,the Board voted unanimously to overrule the Department with the following stipulations: (1) the appellant could file an affidavit with the Department of Public Works stating that the hotel will designate each floor as one to be occupied solely by either female or male guests; or in lieu of that affidavit, the operator of the hotel must install an additional bath on each floor to provide a separate bath for each sex.

APPEAL NO. 83-180

GEORGE DAVID, M.D., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 26, 1983, to Professional Sponsoring Fund, permit to demolish a building at 2326 California Street.

Upon motion of President Giraudo, this case was continued to September 28, 1983.

APPEAL NO. 83-201

ANTONE AND PAULINE M. VERA, Appellants vs. DEPT. PUBLIC WORKS, Respondent
S.F. REDEVELOPMENT AGENCY APPROVAL

Protesting issuance on August 23, 1983, to San Francisco Redevelopment Agency, permit to erect a structure at 1461 Innes Avenue.
Upon motion of President Giraudo, this case is continued to September 28, 1983.

APPEAL NO. 83-172

BARBARA ANN PODRID, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 26, 1983, of pushcart peddler's permit at Northwest corner of Fremont and Mission Street, 101 California Street.

Lawrence Wilson, Esq. represented the Police Department. In his presentation, Mr. Wilson addressed separately the two locations noted in the appellant's appeal. Businessmen in the area supported the Department's denial of the permit citing duplication of services as reason for their objection to the granting of the permit. Ms. Terri Palladino-King, an attorney, represented the appellant who also spoke on her own behalf. Upon motion of President Giraudo, the Board voted 4-1 to uphold the Department. Vice President Jackson cast the dissenting vote.

APPEAL NO. 83-203

WILLIAM H. MARTIN, dba "THE VILLAGE," Appellant vs. POLICE DEPARTMENT, Respondent
DEPT. OF ELECTRICITY (DPW DISAPPROVAL)

Denial on August 29, 1983, of permit for billiard parlor and mechanical amusement devices at 4086 Eighteenth Street.

The Police Department's disapproval was withdrawn, and the permit granted at the Department's regular Tuesday hearing on September 14, 1983; therefore, the appeal to Board of Permit Appeals has been withdrawn.

APPEAL NO. 83-176

MI PAK RYONG, dba "KINJA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 28, 1983, of permit for massage establishment at 712 Polk Street.

Lawrence Wilson, Esq. spoke on behalf of the Police Department as did Officer Gallagher. Mr. Brad Paul, Director of the North of Market Planning Association, was joined by neighbors in voicing support of the Department. They cited the need for service oriented businesses as opposed to massage parlors that could conceivably exacerbate existing social problems. Mr. Richard Timan, attorney for the appellant, spoke briefly on appellant's behalf. Appellant also spoke. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department.

APPEAL NO. 83-183

RAMON A. SANCHEZ, dba "EL VIEJO CARRUSEL II," Appellant vs. POLICE DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 6, 1983, of second-hand dealer's permit at 3686 Twentieth Street.

Lawrence Wilson, Esq. spoke for the Police Department. The permit denial was based on a City Planning disapproval of the application. That Department noted that the proposed location is in a RH-3 residential district, and that this type of business is inappropriate for the area. The appellant did not appear nor was he represented. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department.

APPEAL NO. 83-204

JOE LING JUNG, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL
CITY PLANNING DISAPPROVAL

Denial on September 6, 1983, of permit to alter a building at 1224 Taylor Street.

Mr. Don Lim represented the Bureau of Building Inspection. David Lew, Esq. spoke for the appellant who was also present. Mr. Lew based his presentation on the records that established the property as historically having sixteen units. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department.

APPEAL NO. 83-192

TIBURCIO CUEVAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 14, 1983, of permit to alter a building at 3136-23rd Street.

Ms. Nancy Gin represented the Department of City Planning. Her presentation noted that the Department disapproval was because the proposal contained herein would violate provisions of the City Planning Code applicable to RH-3 zoning districts. Specifically, the appellant has been using the open area of the subject property for automobile repair, a use prohibited in the RH-3 zoning district. Mr. Gerald Williams and Mr. I. Rosenthall, neighbors of the appellant, voiced a strong protest against the granting of the permit. Jorge C. DeQuesada, Esq. represented the appellant, who was also present. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department.

APPEAL NO. 83-196

AUDREY PENN RODGERS, APPELLANT vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 26, 1983, to George Silveria, permit to alter a building at 3726-21st Street.

Mr. Don Lim spoke for the Department of Public Works, Mr. Sidney Shaw for the Department of City Planning. David K. Yamakawa, Jr., Esq. represented the appellant, and attorney Sean C. Claymore spoke for the permit holder. Upon motion of President Giraudo, the case was continued until the first hearing in the month of October. During the interim, the plans are to be reviewed by the Department of City Planning and the Bureau of Building Inspection. The purpose of the review is to ascertain if an error was made in the issuance of the permit.

APPEAL NO. 83-199

RODMAN DAVIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 11, 1983, to David Ching, permit to alter a building at 255-257 Twenty-sixth Avenue.

Appeal withdrawn per appellant's letter stating that there is no basis for the appeal.

APPEAL NO. 83-175

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 22, 1983, to Alioto Fish Company, Ltd., permit to erect a structure at 250 Montgomery Street.

Ms. Alice Barkley, Deputy City Attorney, Mr. Vincent Raney, architect, and Mario Alioto, Esq. spoke in support of the Department. Ms. Sue Hestor, attorney for the appellant, presented her case. Robert Ted Parker, Esq., attorney for the adjoining Mills Building, requested a continuance for one week to facilitate the submission of an engineer's report that would present information that the structural integrity of the Mills Building would not be endangered by the proposed construction. The Board continued the case to September 21, 1983.

APPEAL NO. 83-202

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 18, 1983, to International Land, Inc., permit to erect a structure at 455 Market Street.

Ms. Doris Levine, Official Court Reporter, swore in all those who were to give testimony in this case. Ms. Sue Hestor, attorney for the appellant, presented her case. The focal point of her presentation was the assertion that the EIR was inadequate. Ms. Alice Barkley, Deputy City Attorney, Mr. Robert Passmore, Zoning Administrator, Mr. Lucien Blazej, and Ms. Barbara Sahm of the Planning Department spoke in support of the permit holder, as did John Macon, Esq. and Ms. Jenny Lew, Project Director. Upon motion of President Giraudo, the Board voted 4-1 to uphold the Department. Commissioner Engmann cast the dissenting vote.

APPEAL NO. 83-186

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 28, 1983, to Highfield Stevenson, permit to erect a structure at 71 Stevenson Street.

President Giraudo asked the Board members to certify that the EIR had been read and all Board members so certified. Ms. Sue Hestor represented the appellant and presented her case. Mr. Robert Passmore, Ms. Barbara Sahm, and Mr. Lucien Blazej, representing City Planning, spoke in support of the Department. Timothy Tosta, Esq. and Neil Eisenberg, Esq., attorneys for the permit holder, presented their case. Their presentation was supported by Mr. Jeffrey Heller, architect for the permit holder, and Mr. John Calva, a member of the Tishman Management Group. Upon motion of President Giraudo, the Board voted 4-1 to uphold the Department in granting the permit, with Commissioner Engmann dissenting.

Their being no further business to come before the Board, President Giraudo adjourned the meeting at 11:03.

DATE: August 31, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 21, 1983

The regular meeting of the Board of Permit Appeals was called to order by Vice President Mattie Jackson at 5:10 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg.

(President Giraudo arrived at 5:15 p.m.)

Also present were: Mr. Robert Passmore, Zoning Administrator; Mr. Lucien Blazej and Ms. Barbara Sahm, representing the Department of City Planning; Mr. Don Lim, representing the Department of Public Works; Lawrence Wilson, Esq. and Officer Joseph Hession, representing the Police Department; Ms. Alice Barkley, Deputy City Attorney; Ms. Doris Levine, the Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

While awaiting the arrival of President Giraudo, the following case was heard out of order.

APPEAL NO. 83-207

JAMES E. NEWKIRK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 14, 1983, for work done at 780 Webster Street.

Mr. Don Lim spoke for the Department. Mr. Newkirk spoke on his own behalf, stating that the notice of Fee Payable was delayed. He did not receive it soon enough to respond within the proscribed time frame. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department with the following stipulation: That appellant pay twice the regular fee of $20 for a total due the Department of $40.

President Giraudo then arrived. The next matter to be heard was:

APPEAL NO. 83-206

LORRAINE A. MILES, dba "LOU'S CATERING," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 29, 1983, of mobile caterer permit - additional stop at 150 Fourth Street.

Lawrence Wilson, Esq. and Officer Joseph Hession represented the Police Department. Ms. Miles spoke on her own behalf refuting the Department allegation that her presence would duplicate existing services already available in the immediate area. Upon Motion of Vice President Jackson, the Board unanimously voted to overrule the Department with the following stipulations: (1) the appellant will position her truck 400 feet from the corner of Fourth and Minna Street; (2) the stop will be made only from 10:50 a.m. to 11 a.m.

APPEAL NO. 83-175

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 22, 1983, to Alioto Fish Company, Ltd., permit to erect a structure at 250 Montgomery Street.
Prior to hearing the appeal, President Giraudo disqualified himself on the grounds of a possible conflict of interest. Commissioner Engmann noted that the proposed construction would influence the environment of the building where he maintained his office; however, he did not feel that the facts would influence his objectivity in hearing the case. Mario Alioto, Esq., attorney for the permit holder, stated he had no objection to Commissioner Engmann voting. The Board members certified that they had reviewed and considered the Negative Declaration. At this point, Ms Doris Levine, Official Hearing Reporter, swore in those who were to give testimony. Attorney Sue Hestor, representing the appellant, noted in her presentation that an environmental impact report had not been made for the proposed project. She requested that the building be redesigned. Robert Ted Parker, Esq., attorney for the adjoining Mills Building, stressed at length his objections to the proposed building. Mr. Robert Passmore, Zoning Administrator; Mr. Lucien Blazej, and Ms. Barbara Sahm represented the Department of City Planning. Mr. Don Lim of the Bureau of Building Inspection and Deputy City Attorney, Ms. Alice Barkley, responded to inquiries. Mario Alioto, attorney for the permit holder, presented his case. After discussion, upon motion of Vice President Jackson, the Board voted 3-1 to uphold the Department. Commissioner Engmann cast the dissenting vote.

APPEAL NO. 83-181

MONTCLAIR TERRACE ASSOCIATION, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 26, 1983, to Genstar Pacific Investments, permit to erect a structure at 1055 Lombard Street. Case continued.

APPEAL NO. 83-201

ANTONE AND PAULINE M. VERA, Appellants vs. DEPT. PUBLIC WORKS, Respondent
S.F. REDEVELOPMENT AGENCY APPROVAL

Protesting issuance on August 23, 1983, to San Francisco Redevelopment Agency, permit to erect a structure at 1461 Innes Avenue.

Appellant submitted a letter of withdrawal, dated September 19, 1983, requesting that the appeal be taken of calendar.

APPEAL NO. 83-211

HONG FUN CHAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 15, 1983, for work done at 683 Third Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. Mr. Joe Chew represented the appellants. Upon motion of Commissioner Guggenhime, the Board voted unanimously to overrule the Department with the stipulation that the appellant pay half the investigative fee of $141.55, plus the regular fee of $31.45, for a total of $173.00.

APPEAL NO. 83-212

RESIDENTIAL SOLAR, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 15, 1983, for work done at 81 San Jacinto Way.

Mr. Don Lim spoke for the Department of Public Works. Mr. Gene Hirsch represented the appellant. Upon motion of Vice President Jackson, the Board voted 5-0 to overrule the Department with the stipulation that the appellant pay a reduced investigative fee of $500, plus the regular fee of $132.60 for a total to be paid of $631.60.

APPEAL NO. 83-209

ERNEST K. CHAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 14, 1983, for work done at 549 Seventh Avenue.

Mr. Don Lim spoke for the Department. Mr. Chan spoke on his own behalf. He stated that the work that gave rise to the penalty had been done prior to the time he purchased the building. After discusssion, Vice President Jackson moved that the investigation fee be reduced to two times the regular fee, for a total due the Department of $63.70. The vote was unanimous.

APPEAL NO. 83-213

JOHN V. O'BRIEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 15, 1983, for work done at 309 Santiago Street.

Chief Building Inspector Don Lim presented the case for the Department. Mr. O'Brien spoke on his own behalf. Upon motion of Vice President Jackson, the Board voted to overrule the Department with the stipulation that the investigative fee be reduced to two times the regular fee, for a total due the Department of $77.50.

APPEAL NO. 83-210

BRIAN TOM, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on September 8, 1983, of permit to alter a building at 2351 Forty-second Avenue.

Mr. Don Lim presented the case for the Department. Mr. Philip Lew spoke on behalf of the appellant. Mr. John McWilliams, a neighbor, advised the Board of his concern regarding the general construction pattern of Mr. Tom. The Board, however, noted to him that those matters should be addressed at the time an alteration permit is issued rather than at this hearing, which is concerned solely with the matter of light and ventilation for the kitchen area. Upon motion of President Giraudo, the Board unanimously voted to overrule the Department with the stipulation that the skylight be at least 3 feet by 4 feet, and that it be openable. A commercially-rated hood is to be installed.

APPEAL NO. 83-208

MICHAEL TUDURY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on September 14, 1983, of permit to alter a building at 80 Woodland Avenue.

Mr. Don Lim presented the case for the Department of Public Works. Mr. Tudury spoke on his own behalf. The Board, upon motion of Commissioner Guggenhime, voted 5-0 to overrule the Department.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 7:09 p.m.

DATE: SEPTEMBER 21, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, SEPTEMBER 28, 1983

The regular meeting of the Board of Permit Appeals was called to order by President Louis J. Giraudo at 5:10 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Mr. Robert Passmore, Zoning Administrator; Mr. Sidney Shaw for the Department of City Planning; Mr. Don Lim, representing the Department of Public Works; Inspector Terry Wallace for the Fire Department; Lawrence Wilson, Esq. represented the Police Department; Ms. Alice Barkley, Deputy City Attorney; Ms. Doris Levine, the Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE.

REQUEST FOR REHEARING:

APPEAL NO. 83-172

BARBARA ANN PODRID, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 27, 1983, of pushcart peddler's permit at Northwest corner of Freemont and Mission Streets, 101 California Street.

First heard September 14, 1983. Upon motion of President Giraudo, the Board voted 4-1 to uphold the Department. Upon motion of Vice President Jackson, the Board voted 5-0 to rehear the appeal. The case will be placed on the agenda of the hearing scheduled for October 19, 1983.

APPEAL NO. 83-161

WILLIAM J. RASKOFF, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 24, 1983, to Neil McLaughlin, permit to erect a structure at 623 to 625 Forty-seventh Avenue.

First heard September 14, 1983. Upon motion of President Giraudo, the Board voted 4-1 to overrule the Department. There being no motion to rehear, the request for rehearing was denied, and the decision of the Board is final.

APPEAL NO. 83-200

HARCOURT RESIDENCE CLUB, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 23, 1983, of permit to alter a building at 1105 Larkin Street.

First heard on September 14, 1983. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department with the following stipulations: (1) the appellant could file an affidavit with the Department of Public Works stating that the hotel will designate each floor as one to be occupied solely by either female or male guests; or in lieu of that affidavit, (2) the operator of the hotel must install an additional bath on each floor to provide a separate bath for each sex. Upon motion of Vice President Jackson, the Board voted 4-1 to rehear the appeal. Commissioner Guggenhime cast the dissenting vote. The appeal will be heard October 19, 1983.

THE NEXT MATTERS TO BE HEARD WERE MATTERS FOR CONSIDERATION

REGARDING APPEAL NO. 83-175, 250 Montgomery Street:
The vote on this appeal took place on September 21, 1983. Upon motion of Vice President Jackson, the Board voted 3-1 to adopt the City Attorney's Findings of Fact. Commissioner Engmann cast the dissenting vote. President Giraudo disqualified himself from the vote.

REGARDING APPEAL NO. 83-186, 71 Stevenson Street:
President Giraudo made a motion to adopt the Findings as prepared by the City Attorney's office. This appeal had been voted upon on September 14, 1983. The vote to accept the Findings of Fact provided by the City Attorney's office was 4-1, with Commissioner Engmann dissenting.

REGARDING APPEAL NO. 83-202, 455 Market Street:
President Giraudo made a motion to adopt the Findings of Fact as prepared by the City Attorney's office. This appeal had been voted upon on September 14, 1983. The vote to accept the Findings was 4-1, with Commissioner Engmann dissenting.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR

APPEAL NO. 83-180

GEORGE DAVID, M.D., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 26, 1983, to Professional Sponsoring Fund, permit to demolish a building at 2326 California Street.

Mr. Don Lim represented the Department of Public Works. Fire Inspector Terry Wallace of the San Francisco Fire Department advised the Board that the building on the property in question was an extreme fire hazard and should be altered, repaired, or demolished. Upon motion of President Giraudo, the Board voted 4-1 to uphold the Department in granting the permit. Commissioner Engmann cast the dissenting vote.

APPEAL NO. 83-221

STEVE PAPAGIANNIS, dba "UNKNOWN JEROME'S," Appellant vs. DEPT. PUBLIC HEALTH, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 12, 1983, of permit for food preparation and service establishment at 1431 Polk Street.

Mr. Sidney Shaw spoke for the Department of City Planning. The Department of Health was not represented. Mr. Shaw, in his presentation, noted that the problem was one that involved the Health Department, and that without their input a satisfactory solution was not possible. Reginald Armando, Esq. represented the appellant who was also present and spoke on his own behalf. Upon motion of President Giraudo, the case was continued to the hearing scheduled for October 19, 1983. President Giraudo scheduled an informal site visit to be held on October 18 at 8 a.m. The Board also requested that the Health Department send a representative to the Board of Permit Appeals hearing.

Appeal NO. V83-220

ALLAN M. LEVY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 8, 1983, of request for rear yard variance sought at 830-34 Baker Street.

Commissioner Berg asked that he be excused from voting on this appeal due to a conflict of interest. The Board unanimously voted to grant his request. Mr. Sidney Shaw represented the Zoning Administrator and the Department of City Planning. Several neighbors spoke in support of the Department. Mr. Levy spoke on his own behalf and was supported in his position by Mr. Bruce Baumann. Upon motion of Vice President Jackson, the case was continued to October 19, 1983, with a site visit scheduled for 5:00 p.m. on October 18, 1983 by members of the Board.

APPEAL NO. 83-218

SIU KWAN, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 8, 1983, of peddler's permit (fruit and vegetables) at the Northeast corner of Kearny and Washington Streets.

Lawrence Wilson, Esq. represented the Police Department. He cited the opposition of the area's established entrepreneurs to the granting of the permit. The appellant was present and through an interpreter spoke on her own behalf. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 83-219

LUZ M. MASHAL, dba "WEK MARKET," vs. POLICE DEPARTMENT, Respondent

Denial on September 8, 1983, of permit for mechanical amusement devices at 3098 Twenty-fourth Street.

Lawrence Wilson, Esq. spoke for the Police Department. Mr. Angelo Padilla of the Twenty-fourth Street Merchant's Association spoke in support of the Department. The appellant spoke on her own behalf. Upon motion of Commissioner Engmann, the Board unanimously overruled the Department with the stipulation that (1) the permit be granted for a six-month probationary period only and it is not to be automatically renewed; and (2) that all requirements of the video ordinance be met.

APPEAL NO. 83-215

CLAY M. PFAEFFLE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 8, 1983, for work done at 372 Thirty-first Avenue.

Mr. Don Lim represented the Department of Public Works. The appellant, Mr. Pfaeffle, represented himself. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department with the stipulation that the appellant pay one-half of the penalty, $65.00; plus the regular fee of $20.00; for a total due the department of $85.00.

APPEAL NO. 83-216

SOON CHON JUN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 16, 1883, for work done at 1581 Fifteenth Street.

Chief Building Inspector Don Lim presented the case for the Department of Public Works. Mr. Jun spoke in his own behalf. Upon motion of Vice President Jackson, the Board voted unanimously to reduce the investigative fee to $333.00; plus the regular fee of $147.05; for a total due the Department of $480.05.

APPEAL NO. 83-217

ROBERT AUNE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 16, 1983, for work done at 100 Quintara Street.

At request of the appellant, the case was continued to October 19, 1983. Appellant states that he was unable to attend the scheduled hearing this date.

APPEAL NO. 83-222

JULIUS VEGVARY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 22, 1983, for work done at 16 Saturn Street.

Mr. Don Lim presented the case for the Department. Mr. Vegvary spoke on his own behalf. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that the appellant pay half the investigative fee of $206.55; plus the regular fee of $45.90; for a total due the Department of $252.45.

AT THIS POINT THE FOLLOWING APPEAL WAS HEARD OUT OF CALENDAR ORDER:

APPEAL NO. 83-223

BRUCE SAMSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Denial on September 22, 1983, of permit to alter a building at 419 Belvedere Street.

Mr. Don Lim spoke for the Department. The appellant advised the Board that he was requesting a waiver of the 7'6" ceiling height requirement and acceptance of the existing 7'3" height. Also, he was appealing the requirement of a means of egress from the third floor unit. Upon motion of President Giraudo, the Board unanimously overruled the Department with the following stipulations: (1) with proper ventilation the ceiling height of 7'3" is approved; and (2) the appellant is to install a Rhinehardt pole type ladder, the height of which cannot exceed 25 feet, which will serve as a means of egress from the third floor unit.

APPEAL NO. 83-214

WILLIAM C. BLAKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 6, 1983, to Lincoln-Hunt Development Company, permit to erect a structure at 33 New Montgomery Street.

In response to President Giraudo's request, the Board voted unanimously to allow him to disqualify himself from the voting on this appeal due to a conflict of interest. Mr. Don Lim represented the Department of Public Works. Mr. Robert Passmore, Zoning Administrator, spoke for the Department of City Planning. Ms. Alice Barkley, Deputy City Attorney, spoke for the Department. Mr. Jonathan Bass represented the permit holder. Philip Siggins, Esq. presented the case for the appellant. He noted in his presentation that records and plans were not being made available to him.

Commissioner Engmann made a motion that provided for the following: The matter is continued to October 26, 1983, with the Board's order that all materials of the City Planning Commission, City Planning Department or any other materials pertaining to the project be made available for Mr. Siggin's inspection during the week of October 3 to October 7 in the City Planning office. And that Mr. Siggins be allowed to inspect these materials after having notified Mr. Lu Blazej forty-eight hours in advance that he is coming to look at the materials. Counsel for the appellant is to notify the Planning Commission which materials he feels should be placed in the record. Director Pilcher reminded the Board of one of the Board's rules which is; "..that any materials or presentation that is going to take in excess of one-half hour per side be submitted in writing to the Board at least two days in advance of the hearing". The Board voted unanimously in favor of the motion. The case will be for further hearing October 26, 1983.

There being no further business to come before the Board, President Giraudo adjourned the metting at 8:15 p.m.

DATE: SEPTEMBER 28, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, OCTOBER 19, 1983

The regular meeting of the Board of Permit Appeals was called to order by President Louis J. Giraudo at 5:12 p.m.

Present were: President Louis J. Giraudo
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Vice President Mattie J. Jackson was absent.

Also present were: Mr. Donald Lim for the Department of Public Works; Lawrence Wilson, Esq. and Officer Joseph Hession represented the Police Department. Mr. Robert Passmore, Zoning Administrator and Mr. Sidney Shaw for the Department of City Planning; and Ms. Doris Levine, Official Court Reporter.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

V-8745

Request of Sandy Walker for clarification of variance regarding property at 2990 Broadway. Commissioner Guggenhime asked that the Executive Director draft a letter to City Planning asking clarification of the Board of Permit Appeals decision of January 16, 1980

REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN-DAY PERIOD.

Joon Ho Pak Mechanical amusement devices. Requesting deletion of stipulation. President Giraudo asked for a motion. There being no motion, an appeal beyond the ten-day period will not be allowed.

James Holmes Jr. Late charge plumbing charge notice. Upon motion of President Giraudo, the Board unanimously voted to allow the filing of the appeal beyond the ten-day appeal period.

Michael Null Notice to cease violation of Planning Code. President Giraudo requested the Executive Director to seek an opinion from the Office of the City Attorney as to whether the Board has the jurisdiction to hear this particular appeal.

James Frank Fotenos Demolition permit issued without notifying adjoining property owner. The appellant was present and spoke on his own behalf. There being no motion, an appeal beyond the ten-day period will not be allowed..

REQUEST FOR REHEARING:

APPEAL NO. 83-219

LUZ M. MASHAL, dba "WEK MARKET," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 8, 1983, of permit for mechanical amusement devices at 3098 Twenty-fourth Street.

Lawrence Wilson, Esq. spoke in support of the Department. Upon motion of President Giraudo, the Board voted unanimously to grant a rehearing. The case will be put on the October 26, 1983 agenda.

REQUEST FOR REHEARING (CONTINUED)

APPEAL NO. 83-175

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Order appealed from was that issuing to Alioto Fish Company, Ltd., permit to erect a structure at 250 Montgomery Street.

Upon motion of President Giraudo, the Board voted unanimously to continue the matter to the next five-member Board which will convene on October 26, 1983.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR

APPEAL NO. 83-221

STEVE PAPAGIANNIS, dba "UNKNOWN JEROME'S," Appellant vs. DEPT. PUBLIC HEALTH, Respondent CITY PLANNING DISAPPROVAL

Denial on September 14, 1983, of permit for food preparation and service establishment at 1426 Polk Street.

President Giraudo reported on the site inspection he had made to the property during the week. He noted that the law was vague as to the distinction between a bakery and a resturant. The appellant was present. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department and grant the permit.

APPEAL NO. V83-220

ALLAN M. LEVY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 8, 1983, of request for rear yard variance sought at 830-34 Baker Street.

Case continued to October 26, 1983.

APPEAL NO. 83-196

AUDREY PENN RODGERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on July 26, 1983, to George Silveria, permit to alter a building at 3726-21st Street.

Mr. Don Lim represented the Department of Public Works. Mr. Sidney Shaw spoke for the Department of City Planning. The appellant was represented by Attorney Yamakawa, Jr. Mr. Sean C. Claymore was the attorney for the permit holder. After discussion, Commissioner Engmann made the motion to overrule the Department and deny the permit. The Board unanimously concurred.

APPEAL NO. 83-172

BARBARA ANN PODRID, Appellant vs. POLICE DEPT., Respondent

Denial on July 27, 1983, of pushcart peddler's permit at Northwest corner of Freemon and Mission Streets, 101 California Street.

Lawrence Wilson, Esq. and Officer Hessian represented the Police Department. Business operators from the concerned area spoke in support of the Department. The appellant spoke on her own behalf. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that the appellant sell only pretzels.

APPEAL NO. 83-200

HARCOURT RESIDENCE CLUB, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 23, 1983, of permit to alter a building at 1105 Larkin Street.

Mr. Don Lim spoke for the Department of Public Works. Mr. Stanley Zukowski represented the appellant. There was a discussion as to possible alternative courses of action. The Board appreciated the Department's position, but it was also anxious to preserve the present economic environment of the hotel. In the hope that a possible solution can be arrived at in the interim, the case was continued to the November 2, 1983 hearing. Chief Building Inspector Don Lim stated that he would make an inspection of the premises prior to the next hearing.

APPEAL NO. 83-217

ROBERT AUNE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 16, 1983, for work done at 100 Quintara Street.

Mr. Don Lim spoke for the Department. Mr. Aune presented his case. He was supported by the testimony of his contractor, Mr. James A. Gronew. Upon motion of President Giraudo, the Board voted 4-0 to overrule the Department with the following stipulation: Reduce the investigative fee to $333.00, plus the regular fee of $219.30, for a total due the Department of $552.30.

APPEAL NO. 83-225

MARKAR K. MARKARIAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 23. 1983, for work done at 25 Wawona Street.

Chief Building Inspector Don Lim presented the case for the Department of Public Works. Mr. Markarian was present and spoke on his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department with the following stipulations: The investigative fee to be reduced to $250.00, plus the regular fee of $118.15, total due the Department $368.15.

APPEAL NO. 83-226

LONE STAR PLUMBING, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 14, 1983, for work done at 42 Castro Street.

Mr. Don Lim spoke for the Department of Public Works. The appellant, Mr. Robert White, was present and spoke on his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department.

APPEAL NO. 83-229

GORDON S. MacDONNELL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 23, 1983, for work done at 2 Everson Street.

Case continued to October 29, 1983 as appellant had advised the staff he would be out of town for the hearing.

APPEAL NO. 83-230

JOHN BOSSHARDT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on October 6, 1983, for work done at 662 Elizabeth Street.

Inspector Don Lim presented the case for the Department of Public Works. Mr. John Bosshardt spoke on his own behalf. Mr. Don W. Van Brunt, a contractor, spoke in support of the appellant. Upon motion of President Giraudo, the Board voted unanimously to overrule the Department with the stipulation that the penalty be reduced to $103.70, plus the regular fee of $103.70, for a total due the Department of $207.40

APPEAL NO. 83-227

CHONG HO SIN, dba "GREAT AMERICAN DELICATESSEN," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 23, 1983, of permit for mechanical amusement devices at 800 Valencia Street.

Lawrence Wilson, Esq. and Officer Guinan represented the Police Department. They noted the proximity of the business to a school yard. The appellant spoke on his own behalf. Upon motion of Commissioner Guggenhime, the Board voted unanimously to uphold the Department and deny the permit.

APPEAL NO. V83-224

JOHN ROWLAND, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 14, 1983, of side yard variance sought for property at 121 Maywood Drive.

Mr. Sidney Shaw spoke for the Zoning Administrator. The appellant, John Rowland, was present and spoke in his own behalf. There was a lengthy discussion between the Board and the parties involved. The discussion was terminated when President Giraudo continued the appeal hearing to October 26, 1983, with a site visit scheduled for 8 a.m. on the 25th of October.

APPEAL NO. 83-232

GOODMAN GROUP INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
REDEVELOPMENT AGENCY APPROVAL

Protesting issuance on September 27, 1983, to Alan Wofsy and Associates, permit to alter a building at 1109-1121 Geary Street.

Hearing continued to October 26, 1983. There will be a five member Board to hear the appeal on that date.

APPEAL NO. 83-231

JOHN AND MARGARITA PONGIGLIONE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 23, 1983, to William and Leightman A.M. Jones, permit to alter a building at 106 Coleridge Street.

Mr. Don Lim presented the case for the Department. Ms. Sylvia Pongiglione represented the appellant. The permit holder, William C. Jones, spoke on his own behalf. Upon motion of President Giraudo, the Board voted unanimously to uphold the Department and issue the permit.

APPEAL NO. 83-234

HANNAH MOOSA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 4, 1983, to Pui Yueng, permit to erect a structure at 939-941 Clement Street.

Mr. Don Lim presented the case for the Department. Ms. Nancy Ross spoke on behalf of the appellant. Concerned neighbors also voiced their opposition to the proposed construction. It was the consensus of the neighborhood group that the creation of a restaurant at this location would further the decline and deterioration of the neighborhood. The permit holder, Mr. Pui Yueng, was present and spoke on his own behalf. Upon motion of Commissioner Engmann, the Board voted unanimously to uphold the Department and issue the permit.

APPEAL NO. 83-228

BRUCE BLUMBERG, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 22, 1983, to Richard Adams, permit to alter a building at 551 Joost Avenue.

Mr. Don Lim spoke on behalf of the Department. Mr. Bruce Blumberg, the appellant, presented his case. Mr. Robert Batchlor, an architect, spoke in support of the appellant. The permit holder, Mr. Richard Adams, spoke on his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit with the stipulation that the plywood sheer wall enclosing the lightwell shall be removed unless required by the Department of Public Works.

APPEAL NO. V83-236

NICHOLAS & ELIZABETH UNKOVIC, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on October 3, 1983, to Myra Kopf, rear yard variance sought for property at 1940 Twelfth Avenue.

Mr. Robert Passmore, Zoning Administrator and Mr. Sidney Shaw presented the case for the Department. Mr. Ivan Poutiatine spoke for the appellants who were also present. The permit holder, Ms. Kopf spoke on her own behalf. Upon motion of President Giraudo, the Board voted 4-0 to uphold the Department and grant the permit.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 9:15 p.m.

DATE: OCTOBER 19, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

SPECIAL MEETING - TUESDAY, OCTOBER 18, 1983, at 5:00 P.M.

APPEAL NO. V83-220

The special meeting was held at 830-34 Baker Street, San Francisco, at 5:00 p.m., Tuesday, October 18, 1983. This site inspection was attended by Vice President Jackson and Commissioner Engmann.

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, OCTOBER 26, 1983

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:13 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

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Also present were: Mr. Robert Passmore, Zoning Administrator, Mr. Lucien Blazej, Ms. Barbara Sahm, and Mr. Sidney Shaw representing the Department of City Planning; Lt. Charles O'Farrell of the Fire Department; Mr. Don Lim, representing the Department of Public Works; Lawrence Wilson, Esq. and Officers Robert Guinan, Bruce Freidiani, and C. Lofgren for the Police Department; Deputy City Attorneys Ms. Melba Yee and Ms. Alice Barkley; Ms. Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUEST THAT THE BOARD TAKE JURISDICTION:

MICHAEL NULL - Notice to Cease Violation of the Planning Code.
The City Attorney's office advised the Board that they did have jurisdiction to hear this matter. Upon motion of Commissioner Engmann, the Board voted unanimously to hear the appeal.

REQUEST FOR REHEARING:

APPEAL NO. 83-175

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 22, 1983, to Alioto Fish Company, permit to erect a structure at 250 Montgomery Street. APPLICATION NO. 8203326S.

Appeal heard on September 21, 1983. Upon motion of Vice President Jackson, the Board voted 3-1 to uphold the Department. Commissioner Engmann cast the dissenting vote. President Giraudo abstained from voting. There being no motion to rehear, the request for rehearing was denied and the decision of the Board is final.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR

APPEAL NO. V83-220

ALLAN M. LEVY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 8, 1983, of request for rear yard variance sought for property at 830-34 Baker Street.

Commissioner Berg excused himself from the hearing on this appeal due to a conflict of interest. Commissioner Engmann reported on a site visit that was made by Vice President Jackson and himself. The Commissioner stated that in conversation with people in the area it was established that many neighbors were in favor of the variance.

Upon motion of Commissioner Engmann, the Board voted unanimously to overrule the Department with the stipulation that the deck be reconstructed as per the plans that Mr. Bruce Baumann attached to his letter of October 14, 1983.

APPEAL NO. V83-224

JOHN ROWLAND, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 14, 1983, of side yard variance sought for property at 121 Maywood Drive.

President Giraudo and Commissioner Berg conducted a site inspection of the property. In his report, President Giraudo noted that the five criteria for a variance had been met, the construction conformed to the building code, and the addition was relatively minor. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department and grant the variance.

APPEAL NO. 83-214

WILLIAM C. BLAKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 6, 1983, to Lincoln-Hunt Development Company, permit to erect a structure at 33 New Montgomery Street. APPLICATION NO. 8300054S.

President Giraudo excused himself from hearing this appeal due to a conflict of interest. Hearing Reporter Doris Levine swore in those who were to testify. This matter was first heard September 28, 1983. Philip J. Siggins, Esq. presented the case for the appellant. Mr. Don Lim spoke for the Department of Public Works. Lt. Charles O'Farrell spoke on behalf of the Fire Department. At 6:27 p.m. Commissioner Engmann left the hearing room. Hearing of this appeal was suspended at this time and will resume when Commissioner Engmann returns.

APPEAL NO. 83-219

LUZ M. MASHAL, dba "WEK MARKET," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 8, 1983, permit for mechanical amusement devices at 3098-24th Street.

The appeal is being reheard at the request of the Police Department. Lawrence Wilson, Esq. presented the case for the Police Department. He stated that the previous decision had been based on the belief that amusement machines were in place across the street from the appellant's place of business. This, the Department stated, was not the case. In response to Vice President Jackson's inquiry, Mr. Wilson responded that the machines that were removed from the neighboring business could be reinstalled at the owner's option. Upon motion of Vice President Jackson, the Board again overruled the Department and ordered the permit issued with the stipulations that: (1) the permit is to be for a six-month probationary period only and is not to be automatically renewed, (2) all requirements of the video ordinance are to be met. The vote was 4-1. Commissioner Engmann was absent.

APPEAL NO. 83-229

GORDON S. MacDONNELL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 23, 1983, for work done at 2 Everson Street. APPLICATION NO. 8303952.

Mr. Don Lim represented the Department of Public Works. The appellant spoke in his own behalf. He stated that neither he nor his contractor, Mr. Robert Harris, were familiar with the City of San Francisco's permit procedure. Upon motion of President Giraudo, the Board voted 4-0 to overrule the Department with the stipulation that the penalty be reduced to $45.90, plus the regular fee of $45.90, for a total due the Department of $91.80. Commissioner Engmann was absent.

APPEAL NO. 83-238

LOULA S. PALMER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on October 3, 1983, to James Y. Soong, permit to alter a building at 2795 Laguna Street. APPLICATION NO. 8307193.

Chief Building Inspector Donald Lim presented the case for the Department of Public Works. John J. Murphy, Esq. presented the case for the appellant who was also present. The permit holder, Mr. James Y. Soong, was present and presented his case. Upon motion of President Giraudo, the Board voted 4-0 to uphold the Department and grant the permit. Commissioner Engmann was absent.

APPEAL NO. 83-235

HAROLD A. DAVIS, dba "TURK STREET FOLLIES," Appellant vs. POLICE DEPARTMENT, Respondent

Suspension on October 4, 1983, of permit for adult theater at 105 Turk Street.

Lawrence Wilson, Esq., Officers Freidiani and Lofgren presented the case for the Police Department. They asked that the Police suspension of one year be upheld. The appellant was represented by Michael Wohlstadter, Esq. Upon motion of Commissioner Berg, the Board voted 4-0 to overrule the Department and reinstate the permit with the stipulation that the suspension be reduced from one year to 60 days. Commissioner Engmann was absent during the vote.

At 7:28 p.m., Commissioner Engmann returned to the hearing room.

APPEAL NO. 83-214

WILLIAM C. BLAKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Hearing of this appeal continued. Mr. Robert Passmore, Zoning Administrator, Mr. Lucien Blazej and Ms. Barbara Sahm represented the Department of City Planning. Attorneys for the permit holder, Mr. Jonathan Bass and Ms. Pamela Duffy, spoke briefly for their client. Mr. Carl Danielson, the permit holder's architect, brought the model of the proposed building to the hearing room and responded to questions it raised. Executive Director Claire Pilcher initialed the model to certify that it was the exhibit brought before the Board. A tenant of the existing structure, Mr. Joseph Best, who operates the cafe known as Hoffman's Grill, was represented by Mr. Robert Cartwright. The latter spoke to particular issues that pertained to the present and future status of the cafe. Questions and issues raised by Mr. Cartwright were answered in part by attorneys from the City Attorney's office, Ms. Melba Yee and Ms. Alice Barkley. Upon motion of Vice President Jackson, the Board voted 3-1 to uphold the Department and grant the permit. Commissioner Engmann cast the dissenting vote.

APPEAL NO. 83-232

GOODMAN GROUP INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on September 27, 1983, to Alan Wofsy and Associates, permit to alter a building at 1109-21 Geary Street. APPLICATION NO. 8308746.

President Giraudo stated that based on information contained in the City Attorney's opinion, it was the Board's position that they did not have jurisdiction in this matter and could not appropriately hear the appeal. Fred Feller, Esq. spoke on behalf of the appellant. Ms. Judith A. Mazia, attorney for the permit holder, presented their position. Mr. Mark Doane of the Redevelopment Agency spoke on behalf of his agency. Upon motion of President Giraudo, the Board voted 4-1 to uphold the Department and grant the permit. Commissioner Engmann cast the dissenting vote.

APPEAL NO. 83-123

SPENCER J. THOMAS, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on May 4, 1983, of permit for mechanical amusement devices at 2115 Geneva Avenue.

Lawrence Wilson, Esq. represented the Police Department. The appellant was not present or represented. Upon motion of President Giraudo, the Board voted 4-0 to uphold the Department and deny the permit. Commissioner Engmann was absent at the time of the vote.

APPEAL NO. 83-233

RICHARD H. WEBB, dba "GOLDEN GATE SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 28, 1983, of permit for massage establishment at 736 Larkin Street.

The appellant's attorney, Richard E. Draper, was unable to attend the hearing. Case continued to November 2, 1983.

APPEAL NO. 83-237

FRED SERHAN, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 7, 1983, of pawnbroker's permit at 285 Eddy Street.

The Department reached a settlement with the appellant prior to the hearing. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department and reinstate the permit.

APPEAL NO. 83-239

LANE L. BALDWIN, dba "SENSATIONAL MASSAGE SERVICE," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 4, 1983, of outcall massage service permit at 709 Central Avenue.

The appellant came to a settlement with the Department prior to the hearing. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department and reinstate the permit.

APPEAL NO. 83-240

KAZUTOSHI ARAMAKI, dba "KAZ TOWING SERVICE," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation of October 7, 1983, of tow car operator's permit at 2941 Geary Blvd.

The Appellant reached a settlement with the Department prior to the hearing. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department and reinstate the permit.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 9:10 p.m.

SPECIAL MEETING - TUESDAY, OCTOBER 25, 1983, AT 8 A.M.

APPEAL NO. V83-220

The special meeting was held at 121 Maywood Drive, San Francisco, at 8 a.m., Tuesday, October 25, 1983. This site inspection was attended by President Giraudo and Commissioner Berg.

DATE: October 26, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, NOVEMBER 2, 1983

The regular meeting of the Board of Permit Appeals was called to order by Vice President Jackson at 5:13 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

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(President Giraudo arrived at 5:20 p.m.)

Also present were: Lawrence Wilson, Esq., representing the Police Department; Deputy City Attorney Ms. Melba Yee; Mr. Don Lim of the Department of Public Works; Mr. Sidney Shaw, representing the Department of City Planning; Ms. Doris Levine, Official Hearing Reporter and Executive Director Claire C. Pilcher.

THE FIRST MATTERS TO BE HEARD WERE MATTERS FOR CONSIDERATION:

Regarding Appeal No. 83-214, 33 New Montgomery Street; This appeal had been voted upon on October 26, 1983. Upon motion of Commissioner Berg, the Board voted 3-1 to adopt the Findings. Commissioner Engmann cast the dissenting vote. President Giraudo abstained because of a conflict of interest.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR

APPEAL NO. 83-200

HARCOURT RESIDENCE CLUB, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 23, 1983, of permit to alter a building at 1105 Larkin Street. APPLICATION NO. 8307314.

Mr. Don Lim represented the Department of Public Works. Mr. Stanley Zukouski presented the case for the appellant. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department with the following stipulations: (1) the appellant must file an affidavit with the Department of Public Works stating that the hotel will designate each floor to be occupied solely by either female or male guests. This designation is to be complied with by January 1, 1986; and (2) the operator of the hotel must install an additional shower on each floor.

APPEAL NO. 83-242

HOTEL PROPERTIES INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on October 26, 1983, of permit to alter a building at 480 Ellis Street. APPLICATION NO. 8308284.

Chief Building Inspector Don Lim presented the case for the Department of Public Works. Mr. Noel Frecicat appeared on behalf of the appellant. His presentation was supported by several tenants and a former owner of the hotel. Upon motion of Commissioner Guggenhime, the Board voted 4-1 to overrule the Department and grant the permit. President Giraudo cast the dissenting vote.

APPEAL NO. 83-243

YILMAZ KUCH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DEPT. PUBLIC HEALTH DISAPPROVAL
CITY PLANNING DISAPPROVAL

Denial on October 25, 1983, of permit to alter a building (conversion to eating establishment) at 1475 Polk Street. APPLICATION NO. 8309037.

James Rueben, Esq. appeared for the appellant. His request for a continuance was granted by the Board, and the appeal was rescheduled to November 9, 1983.

APPEAL NO. 83-233

RICHARD H. WEBB, dba "GOLDEN GATE SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Lawrence Wilson, Esq. represented the Police Department. Mr. Webb, the appellant, was present. Because the appellant's attorney, Richard E. Draper, was not present, the case was continued to November 9, 1983. (Mr. Draper arrived after adjournment and was informed of the continuance.)

There being no further business to come before the Board, President Giraudo adjourned the meeting at 6:20 p.m.

DATE: NOVEMBER 2, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, NOVEMBER 9, 1983

The regular meeting of the Board of Permit Appeals was called to order by Vice President Jackson at 5:20 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

(President Louis J. Giraudo arrived at 5:25 p.m.)

Also present were; Mr. Sidney Shaw for the Department of City Planning; Lawrence Wilson, Esq. represented the Police Department; Mr. Bill Nall for the Department of Public Health; Mr. Don Lim for the Department of Public Works; Ms. Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

APPEAL NO. 83-232

GOODMAN GROUP INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
REDEVELOPMENT AGENCY APPROVAL

Protesting issuance on September 27, 1983, to Alan Wofsy and Associates, permit to alter a building at 1109-1121 Geary Street.

On October 26, 1983, the Board voted 4-1 to uphold the Department and issue the permit. Commissioner Engmann cast the dissenting vote. There being no motion to rehear, the request for rehearing was denied and the decision of the Board is final.

APPEAL NO. 83-214

WILLIAM C. BLAKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 6, 1983, to Lincoln-Hunt Development Company, permit to erect a structure at 33 New Montgomery Street.

On October 26, 1983, the Board voted 3-1 to uphold the Department. Commissioner Engmann cast the dissenting vote. President Giraudo abstained because of a conflict of interest. There being no motion, the request for rehearing was denied and the decision of the Board is final.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR:

APPEAL NO. 83-233

RICHARD H. WEBB, dba "GOLDEN GATE SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 28, 1983, of permit for massage establishment at 736 Larkin Street.

Lawrence Wilson, Esq. presented the case for the Police Department. Mr. Richard H. Webb, the appellant, was present and stated that he wished to withdraw his appeal. The Board granted his request.

APPEAL NO. 83-248

DONALD H. CLARK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on November 3, 1983, of permit to alter a building at 71-73 Alpine Terrace. APPLICATION NO. 8310610.

Mr. Don Lim appeared for the Department of Public Works. The appellant was represented by Mr. Ugo Sap. Upon motion of Commissioner Berg, the Board voted 5-0 to overrule the Department

APPEAL NO. 83-243

YILMAZ KUCH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DEPT. PUBLIC HEALTH DISAPPROVAL
CITY PLANNING DISAPPROVAL

Denial on October 25, 1983, of permit to alter a building (conversion to eating establishment) at 1475 Polk Street. APPLICATION NO. 8309037.

Mr. Sidney Shaw represented the Department of City Planning. Mr. Bill Nall appeared for the Department of Public Health. The appellant was represented by James A. Rueben, Esq. The Board directed the Executive Director to seek an opinion from the City Attorney interpreting its July 9, 1980 opinion pertaining to this property. Case continued to November 30, 1983.

APPEAL NO. 83-245

MR. & MRS. BINKLEY, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 26, 1983, permit to alter a building at 2224 Sacramento Street. APPLICATION NO. 8304055.

Mr. Don Lim represented the Department of Public Works. Mr. John Kosewic, a contractor, spoke in support of the appellants, who were also present and spoke on their own behalf. Mr. Sidney Shaw presented the case for the Department of City Planning. After discussion, the case was continued to November 30, 1983.

APPEAL NO. 83-246

SHIRLEY WEBER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on November 1, 1983, of permit to alter a building at 301 Lyon Street. APPLICATION NO. 8302761.

Mr. Don Lim represented the Department of Public Works. Those speaking for the permit holder were Neil Eisenberg, Esq., and architect Michael Kaplan. The appellants, Dr. and Mrs. Weber, spoke on their own behalf. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department with the following stipulations: (1) the entire building is to be sprinklered with a supervised system with rapid response heads throughout; (2) all doors into the bedrooms from the hall should be painted with intermescent paint and shall be provided with automatic closures; and (3) double density sprinkler heads at the top and bottom of the stairwell shall be installed.

APPEAL NO. V83-241

TONY S. & LILA WOO, Appellants vs. ZONING ADMINISTRATOR, Respondent

Denial on October 12, 1983, of variance sought for height of building in adjusted rear yard at 148-50 Mallorca Way.

Mr. Sidney Shaw presented the case for the Department of City Planning. D. Ronald Ryland, Esq. spoke on behalf of a neighbor protesting the construction, which was done without a permit. Jack Wholey, Esq. appeared for the appellants, and Ms. Susan Pemberton Fitzsimmons, owner of an adjacent property, appeared to oppose the project. Upon motion of Commissioner Berg, the Board voted 5-0 to uphold the Department and deny the appeal.

APPEAL NO. 83-247

JOHN J. BURKE, JR., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 24, 1983, to John C. Ahlf, of permit to alter a building at 3928 Twentieth Street. APPLICATION NO. 8307572.

Mr. Sidney Shaw spoke for the Department of City Planning. The appellant, Mr. Burke, appeared on his own behalf. Mr. Ray Gonzales appeared for the permit holder. This case was continued to the hearing on November 16, 1983, to allow time for Mr. Lim to make an inspection of the property.

APPEAL NO. 83-244

PIERO MUSTACCHI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 18, 1983, to Carva Construction Company, of permit to erect a structure at 3350 Laguna Street. APPLICATION NO. 8306940.

Mr. Don Lim presented the case for the Department of Public Works. Philip Siggins, Esq. appeared for the appellant. Owen O'Donnell, Esq. represented the Carva Construction Company. Mr. John Candito, a neighbor, had earlier given testimony on behalf of the permit holder. The case was continued to November 16, 1983, with a site visit scheduled for 8:00 a.m. on Tuesday, November 15, 1983.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 9:15 p.m.

DATE: NOVEMBER 9, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 16, 1983
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:19 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

(Vice President Jackson arrived at 5:26 p.m.)

Also present were: Mr. Don Lim for the Department of Public Works; Mr. Robert Passmore, Acting Zoning Administrator, represented the Department of City Planning; Lawrence Wilson, Esq. and Officer Ray West for the Police Department; Ms. Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

THE FIRST APPEAL WAS CALLED OUT OF REGULAR CALENDAR ORDER:

APPEAL NO. 83-251

LUDMILA GUTERMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 2, 1983, for work done at 415 Rivera Street. APPLICATION NO. 8306884.

Mr. Don Lim represented the Department of Public Works. Ms. Guterman was present and spoke on her own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department with the stipulation that the penalty be reduced to $69.10, plus the regular fee of $45.90, for a total of $115.00 to be paid to the Department. Vice President Jackson was absent during the hearing of this appeal.

APPEAL NO. 83-244

PIERO MUSTACCHI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 18, 1983, to Carva Construction Company, of permit to erect a structure at 3350 Laguna Street. APPLICATION NO. 8306940.

President Giraudo reported on a site inspection made by himself, Vice President Jackson, and Commissioners Guggenhime and Berg. Mr. Robert Passmore represented the Department of City Planning. Mr. Bruce Baumann and Mr. Conn Hagan spoke on behalf of the permit holder. Upon motion of President Giraudo, the Board voted 5-0 to uphold the Department with the following stipulation: That the bay window shall not extend more than 2 feet out from the face of the building, and shall be no closer than five feet from the adjoining property lines.

APPEAL NO. 83-254

HAE SUK CHEN, dba "ALOHA SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on November 1, 1983, of permit for massage establishment at No. 1 Colin Alley.

Lawrence Wilson, Esq. and Officer Ray West represented the Police Department. Mr. Marvis Phillips, representing the North of Market Coalition, spoke in support of the Department. Reginald R. Armando, Esq. represented the appellant, who was also present. Several neighbors of the appellant spoke in support of her appeal. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department with the stipulation that the permit will be for a six-month probationary period and will not be automatically renewed. The appellant must submit an application for a new permit well before the end of the six-month period.

APPEAL NO. 83-249

WILLIAM L. RAINE, dba "STARRELL LIQUORS," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on November 1, 1983, of permit for mechanical amusement devices at 501 Divisadero Street.

At request of the appellant, the case was continued to November 30, 1983.

APPEAL NO. 83-247

JOHN J. BURKE, JR., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 24, 1983, to John C. Ahlf, of permit to alter a building at 2928 Twentieth Street. APPLICATION NO. 8307572.

Mr. Don Lim represented the Department of Public Works, and reported on an inspection that he had made of the property. Mr. Robert Passmore spoke on behalf of the Department of City Planning. Mr. Burke, the appellant, was present and spoke in support of his appeal. Upon motion of Mr. Engmann, the Board voted 5-0 to uphold the Department with the stipulation that the windscreen, or wall, that has been constructed be reduced to a height of 7'6" to a point no more than 7'9" from the rear wall of the building. From that point on, if there is a wall, it is to be torn down and replaced by a railing 42" high with rails no less than 9" apart, the thickness to be no more than 2" and the side rails to be no more than 1".

APPEAL NO. V83-250

LOU T. CHUA, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on October 26, 1983, of rear yard variance sought for property at 187 Dublin Street.

Mr. Robert Passmore appeared for the Department of City Planning. Mr. Peter Karadas, a neighbor, spoke in support of the Department. He spoke on behalf of other neighbors who were present. Mr. Wayne Rieke, a city planning consultant, appeared on behalf of the appellant who was present and responded to questions of the Commissioners. Upon motion of Commissioner Berg, the Board voted 5-0 to uphold the Department.

THE NEXT CASE WAS TAKEN OUT OF CALENDAR ORDER

APPEAL NO. 83-255

PAUL DEMARTINI, Appellant vs. DEPARTMENT OF CITY PLANNING, Responden

Protesting issuance on November 1, 1983, to Delancy Street Foundation, temporary use permit (Christmas tree lot) at 19th Avenue and Sloat Boulevard.

Mr. Robert Passmore spoke for the Department of City Planning. The appellant, Mr. Paul Demartini, appeared on his own behalf and also represented other Christmas tree merchants who were supporting the protest. Mr. J. Stone and Mr. John Maher supported the permit holder. Upon motion of President Giraudo, the Board voted 4-1, Commissioner Guggenhime dissenting, to concur with the Department with the following stipulations: (1) parking is to be under the supervision of City Planning to assure sufficient ingress and egress; (2) one employee is to moniter traffic during the time that the lot is open; and (3) the permit holder must abide by the conditions he submitted to City Planning.

President Giraudo left the meeting at this point, as he was unable to participate in the last item due to a conflict of interest.

APPEALS NO. 83-252 & 83-253

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 3, 1983, to Dinwiddie Construction, permit to demolish buildings at 240 and 256 Montgomery Street. APPLICATION NUMBERS 8105205 and 8105207.

Mr. Don Lim represented the Department of Public Works. Mr. Robert Passmore presented the case for the Department of City Planning. The attorney for the appellant was Ms. Sue Hestor. She was supported by Robert Ted Parker, Esq., attorney for the adjoining Mills Building. Mario Alioto, Esq., attorney for the permit holder, presented his case. He was supported by the testimony of Mr. Greg Cosko, project manager for the demolition work. Upon motion of Vice President Jackson, the Board voted 3-1 to uphold the Department, with Commissioner Engmann dissenting.

There being no further business to come before the Board, Vice President Jackson adjourned the meeting at 8:13 p.m.

DATE: NOVEMBER 16, 1983

BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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M I N U T E S

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, NOVEMBER 30, 1983

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:13 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Commissioner Douglas J. Engmann was absent

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Mr. Sidney Shaw for the Department of City Planning; Lawrence Wilson, Esq., and Officers Gannon and Mahoney representing the Police Department; Ms. Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING

APPEAL NO. 83-243

PIERO MUSTACCHI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 18, 1983, to Carva Construction Company, of permit to erect a structure at 3350 Laguna Street. APPLICATION NO. 8306940.

Case first heard November 9, 1983, continued. On November 16, 1983, the Board voted 5-0 to uphold the Department with stipulations.

There being no motion to rehear, the decision of the Board is final.

APPEAL NO. 83-252
&
APPEAL NO. 83-253

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 21, 1983, to Dinwiddie Construction, permits to demolish buildings at 240 and 256 Montgomery Street. APPLICATION NO'S 8205205 and 8105207.

The initial hearing on the above two appeals had been heard November 16, 1983, when upon motion of Vice President Jackson, the Board voted 3-1 to uphold the Department, with Commissioner Engmann dissenting. Consideration of rehearing continued to December 7, 1983 because of lack of a quorum due to President Giraudo's conflict of interest.

APPEAL NO. 83-246

SHIRLEY WEBER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on November 1, 1983, of permit to alter a building at 301 Lyon Street. APPLICATION NO. 8302761.

Case first heard on November 9, 1983. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department with the following stipulations: (1) the entire building is to be sprinklered with a supervised system with rapid response heads throughout; (2) all doors into the bedrooms from the hall should be painted with intermescent paint and shall be provided with automatic closures; and (3) double density sprinkler heads at the top and bottom of the stairwell shall be installed.

President Giraudo asked for a motion. There being no motion, the matter will not be reheard.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR:

APPEAL NO. 83-243

YILMAZ KUCH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DEPT. PUBLIC HEALTH DISAPPROVAL
CITY PLANNING DISAPPROVAL

Denial on October 24, 1983, of permit to alter a building (conversion to eating establishment) at 1475 Polk Street. APPLICATION NO. 8309037.

Mr. Don Lim represented the Department of Public Works. Mr. Sidney Shaw spoke for the Department of City Planning. Deputy City Attorney Paula Jesson spoke on behalf of the City Attorney's office. James A. Rueben, Esq. represented the appellant. The Board requested the City Attorney's office to refine the opinion regarding the application of the Polk Street Ordinance as it applies to the above property. Case continued to December 14, 1983.

APPEAL NO. 83-256

KONRAD TAUSEND, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 14, 1983, for work done at 2146 Clay Street. PLUMBING CHARGE NOTICE NO. 20638.

Mr. Don Lim represented the Department of Public Works. The appellant was present and spoke on his own behalf. Upon motion of President Giraudo, the Board voted 4-0 to overrule the Department with the stipulation that the penalty be reduced to $60.15, plus the regular fee of $60.15, for a total due the Department of $120.30.

APPEAL NO. 83-258

PHILLIP D. HAAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 14, 1983, for work done at 104-110 Presidio Avenue. PLUMBING CHARGE NOTICE NO. 26037.

Mr. Don Lim represented the Department of Public Works. The appellant spoke on his own behalf. Upon motion of Vice President Jackson, the Board voted 4-0 to overrule the Department with the stipulation that the penalty be reduced to $32.00, plus the regular fee of $32.00, for a total due the Department of $64.00.

APPEAL NO. 83-261

ROBERT KORMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 2, 1983, for work done at 2455 Jackson Street. APPLICATION NO. 8309323.

Mr. Don Lim appeared for the Department of Public Works. The appellant, Robert Korman, spoke on his own behalf. The Board requested that Mr. Lim establish the correct date that the building permit was issued. Case continued to December 14, 1983.

APPEAL NO. 83-265

RICHARD E. GIVENS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 27, 1983, for work done at 849 Faxon Avenue. APPLICATION NO. 83011019.

Mr. Don Lim represented the Department of Public Works. Mr. Richard Givens, the appellant, stated that he was unaware of the requirements of the San Francisco Building code. He maintained that the work had not been done by a licensed contractor. Upon motion of Vice President Jackson, the Board voted 4-0 to overrule the Department with the stipulation that the penalty be reduced to $147.05, plus the regular fee of $147.05, for a total due the Department of $294.10.

APPEAL NO.83-245

MR. AND MRS. BINKLEY, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 25, 1983, permit to alter a building at 2224 Sacramento Street. APPLICATION NO. 8304055.

Prior to hearing, at request of appellant, case continued to December 14, 1983.

APPEAL NO. 83-249

WILLIAM L. RAINE, dba "STARRELL LIQUORS," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on November 1, 1983, of permit for mechanical amusement devices at 501 Divisadero Street.

Lawrence Wilson, Esq. and Officer Michael Gannon spoke for the Police Department. Reverend Bob Adams appeared to support the Department's position. Robert Thorp, Esq. represented the appellant. Upon motion of President Giraudo, the Board voted 4-0 to overrule the Department with the stipulation that the number of machines shall be limited to two.

APPEAL NO. 83-257

NORMAN KING AND ELLA FORD, dba "CLUB LONG ISLAND," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on November 1, 1983, of permit for dance hall keeper and place of entertainment at 4546 Third Street.

Lawrence Wilson, Esq. and Officer Mahoney appeared for the Police Department. Mr. Wilson advised that most of the Department's requirements had now been met, and in particular that the noise abatement problem had been resolved. Electrical approval was still pending. Upon motion of President Giraudo, the Board voted 4-0 to overrule the Department with the stipulation that the appellant must secure the approval of the Electrical Department before the permit can be issued.

APPEAL NO. 83-264

ENVIRONMENTAL PLANNING AND RESEARCH, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on November 22, 1883, of permit to alter a building at 650 Seventh Street. APPLICATION NO. 8309621.

Mr. Sidney Shaw presented the case for the Department of City Planning. Architect Warner Schmalz spoke for the permit holder, William Poland, who was present. Interpretation of the City Planning Code was the focal point of the discussion. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. 83-263

HOWARD A. COHN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated September 14, 1983, for property at 53 Turk Street (adult entertainment enterprise) to Howard A. and Jeanne Cohn.

Case continued to December 21, 1983, prior to this hearing.

APPEAL NO. 83-260

BERNARD TOLK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on November 8, 1983, to Mr. and Mrs. Donald R. Giannini, permit to alter a building at 2300 Buchanan Street. APPLICATION NO. 8309174.

Mr. Don Lim represented the Department of Public Works. Mr. Albert Lanier appeared for the appellant, Mr. Tolk. The permit holders, Mr. and Mrs. Donald R. Giannini, were represented by Mr. William Mitchell and David J. Bonelli, Esq. A neighbor, Mr. William Gilmartin, also spoke in support of the appellant. After lengthy discussion, the Board continued the case for further hearing pending receipt of an opinion from the City Attorney's office relevant to effect of prior Board of Permit Appeals decision on present permit.
(NOTE: On December 5, 1983, Attorney David Bonelli, representing the permit holder advised that an agreement had been reached between the concerned parties. Mr. Albert Lanier advised the Director that the appeal was being withdrawn.)

APPEAL NO. 83-262

MILTON H. MARES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on November 9, 1983, to Pat Fergus, permit to erect a structure at 354-56 30th Avenue. APPLICATION NO. 8309074.

Mr. Don Lim represented the Department of Public Works. Mr. Milton Mares was present and spoke on his own behalf, and Owen O'Donnell, Esq., represented the permit holder, Mr. Pat Fergus. Upon agreement of the parties, the case was continued to December 14, 1983.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 7:53 p.m.

DATE NOVEMBER 30, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 7, 1983
5:00 P.M., ROOM 282, CITY HALL

This special meeting of the Board of Permit Appeals was called to order at 5:20 p.m. by Vice President Jackson:

Present were: Vice President Mattie Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

President Louis J. Giraudo was excused due to a conflict of interest on the items to be heard. The following items were continued from the preceding meeting.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

APPEAL NO. 83-252

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 31, 1983, to Dinwiddie Construction, permit to demolish a building at 240 Montgomery Street. APPLICATION NO. 8105207.

At initial hearing on November 16, 1983, upon motion of Vice President Jackson, the Board voted 3-1 to uphold the Department with Commissioner Engmann dissenting. President Giraudo abstained due to conflict of interest.

Request for rehearing originally scheduled for November 30, 1983. However, because of a lack of a quorum, this matter was continued to today's hearing.

After a brief discussion, and there being no motion, the Request for Rehearing was denied, and the decision of the Board is final.

APPEAL NO. 83-253

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 31, 1983, to Dinwiddie Construction, permit to demolish a building at 256 Montgomery Street. APPLICATION NO. 8105205.

At initial hearing on November 16, 1983, upon motion of Vice President Jackson, the Board voted 3-1 to uphold the Department with Commissioner Engmann dissenting. President Giraudo abstained due to conflict of interest.

Request for rehearing originally scheduled for November 30, 1983. However, because of a lack of a quorum, this matter was continued to today's hearing.

After a brief discussion, and there being no motion, the Request for Rehearing was denied, and the decision of the Board is final.

There being no further business to come before the Board, Vice President Jackson adjourned the meeting at 5:36 p.m.

DATE: DECEMBER 7, 1983.

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 14, 1983
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:21 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

(Vice President Jackson arrived at 5:26 p.m.)

Also Present were: Mr. Don Lim for the Department of Public Works; Mr. Robert Passmore and Ms. Nancy Gin for the Department of City Planning; Ms. Paula Jesson, Deputy City Attorney, for the City Attorney's office; Ms. Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

THE FOLLOWING APPEALS WERE HEARD OUT OF CALENDAR ORDER

APPEAL NO. 83-269

MARY A. KUCEL, dba "REGAL CATERING," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 1, 1983, of permit for mobile caterer - additional stop at 215 Fremont Street.

The Executive Director informed the Board that the parties involved in the appeal had reached a compromise. Upon motion of President Giraudo, the Board voted 4-0 to overrule the Department with the stipulation that the stop be for one-half hour only between 12:00 noon and 12:30 p.m.

APPEAL NO. 83-245

MR. AND MRS. BINKLEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 25, 1983, of permit to alter a building at 2224 Sacramento Street, (conversion to a bed and breakfast inn). APPLICATION NO. 8204055.

The appellants were not present nor were they represented. The case was continued until an opinion is received from the City Attorney regarding the Board's ruling regarding 301 Lyon Street, a similar "bed and breakfast" occupancy.

APPEAL NO. 83-262

MILTON H. MARES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on November 9, 1983, to Pat Fergus, permit to erect a structure at 354-56 30th Avenue. APPLICATION NO. 8309074.

Mr. Don Lim appeared for the Department of Public Works, and Owen O'Donnell, Esq. represented the permit holder. The appellant spoke on his own behalf. The parties involved advised the Board that they had reached a settlement. Upon motion of President Giraudo, the Board voted 4-0 to uphold the Department, with the following stipulations: (1) That the roof will be sloped on the north side, 26' long and 8'9" deep, in accordance with the section submitted to the Board; (2) that the front facade is to be all wood, with anodized aluminum windows, as shown on the drawing submitted to the Board; and (3) the sheer wall on the first floor is to be removed, and the laundry moved to the north property line,(i.e., the room on the first floor shall be eliminated).

THE REGULAR CALENDAR WAS RESUMED AT THIS POINT:

APPEAL NO. 83-259

JEFFREY AND SOPHIE LAU, Appellants vs DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on November 14, 1983 of permit to alter a building at 21-25 Scotland Street. APPLICATION NO. 8209357.

Mr. Robert Passmore and Nancy Gin represented the Department of City Planning, and Ms. Paula Jesson responded for the City Attorney. Mr. Jerry Petruzzelli spoke for neighbors who were in support of the Department. The appellants, who were present, were represented by Matthew F. Quint, Esq. The Board cited the existence of a law that was in force applicable to the appellant's situation. Upon motion of Commissioner Engmann, the Board voted 4-1 not to take jurisdiction in this case, with Vice President Jackson voting to take jurisdiction.

APPEAL NO. 83-243

YILMAZ KUCH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DEPT. PUBLIC HEALTH DISAPPROVAL
CITY PLANNING DISAPPROVAL

Denial on October 25, 1983, of permit to alter a building (conversion to eating establishment) at 1475 Polk Street. APPLICATION NO. 8309037.

This matter was previously heard on November 9, 1983 and November 30, 1983. Mr. Robert Passmore appeared for the Department of City Planning. Ms. Paula Jesson, Deputy City Attorney, responded for the City Attorney's office. James A. Reuben, Esq. represented the permit holder, Mr. Frank Lembi, who was also present. Discussion centered around provisions of the 'Polk Street Moratorium' and whether it was in force or applied to this particular piece of property. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 83-261

ROBERT KORMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 21, 1983, for work done at 2455 Jackson Street. APPLICATION NO. 8309323.

Mr. Don Lim spoke for the Department of Public Works, The appellant, Robert Korman, represented himself. Upon motion of Commissioner Berg, the Board voted 5-0 to uphold the Department, with the understanding that a rehearing would be entertained if appellant produced proof that his check had been written before the date shown in the Department's records.

APPEAL NO. 83-266

GERALDINE GOLLIHUR, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 23, 1983 for work done at 337-39 Mississippi Street. APPLICATION NO. 8309374.

Mr. Don Lim represented the Department of Public Works. The appellant's sons, James and Thomas, appeared on her behalf. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department with the stipulation that the penalty be reduced to $489.05, plus the regular fee of $489.05, for a total due the Department of $978.10.

APPEAL NO. 83-267

JUSTIN ANDREW MARTINDALE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on November 23, 1983, of permit to alter a building at 521 Central Avenue. APPLICATION NO. 8309484.

Mr. Don Lim represented the Department of Public Works. Michael S. Rossoff, Esq. appeared on behalf of the appellant. Mr. Martindale, the appellant, spoke on his own behalf. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department with the stipulation that a combination water service be installed in the social room only.

APPEAL NO. 83-268

COONG TAC COOC, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination of the Zoning Administrator on November 21, 1983, disapproving building permit application for work at 281 Turk Street. APPLICATION NO. 8305616.

Ms. Nancy Gin represented the Zoning Administrator. Mr. Don Lim spoke on behalf of the Department of Public Works. Philip Siggins, Esq. appeared for the appellant. Mr. Cooc, the appellant, spoke on his own behalf. The matter was continued to January 4, 1983, with a site inspection by the Board scheduled for Tuesday, January 3, 1983, at 8:00 a.m.

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 21, 1983
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:26 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Jerry E. Berg

Commissioner Richard J. Guggenhime was absent.

Also present were: Mr. Don Lim for the Department of Public Works; Lawrence Wilson, Esq. for the Police Department; Mr. Sidney Shaw for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

REQUESTS THAT THE BOARD TAKE JURISDICTION:

NATHAN MAMIYE - Denial on December 1, 1983, of secondhand dealer's license, "Regency Jewelers of San Francisco," 182 Geary Street, San Francisco. Upon motion of President Giraudo, the Board voted 4-0 to take jurisdiction.

I. ISADPANAH - Cancellation of building permit on December 5, 1983, to alter a building at 2124 Union Street, San Francisco. There being no motion, the appeal will not be heard.

ROBERT M. STEINBERG - Protesting issuance on November 8, 1983, of demolition permit No. 507-869, for 419 Cabrillo Street, San Francisco. There being no motion, the appeal will not be heard.

THE FOLLOWING APPEAL WAS HEARD OUT OF CALENDAR ORDER:

APPEAL NO. 83-263

HOWARD A. COHN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated September 14, 1983, for property at 53 Turk Street (adult entertainment enterprise) to Howard A. and Jeanne Cohn.

Lawrence Wilson, Esq. appeared for the Police Department. Michael Null, Esq., and Gary A. Orton, Esq. appeared for the appellant. Upon request of Mr. Wilson, the case was continued to January 11, 1984.

MINUTES OF THE BOARD OF PERMIT APPEALS HEARING OF DECEMBER 21,1983

REGULAR CALENDAR SEQUENCE WAS CONTINUED AT THIS TIME:

APPEAL NO. 83-273

WILLIAM Y. YU, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 2, 1983, to Del L. Tycer, permit to alter a building at 1552/1556F Green Street. APPLICATION NO. 8308661.

Mr. Sidney Shaw represented the Department of City Planning. Mr. Ernest Lee, the appellant's nephew, spoke on the appellant's behalf. Mr. Ted Aksnes appeared and testified that he was the permit holder. Mr. Don Lim advised that he would visit the property and ascertain if the height of the building was correctly measured. The case was continued to January 4, 1984.

APPEAL NO. 83-271

CONSUMERS DISTRIBUTING, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 9, 1983, of permit to erect a structure at 4631 Mission Street. APPLICATION NO. 8310143.

Mr. Sidney Shaw represented the Department of City Planning. Mr. Marc Pettibone, the appellant, spoke regarding the proposed sign. The property owner, Mr. Fouad Malouf, responded to the Board's questions. Mr. Larry DeSpain, real estate manager for Consumers Distributing, also spoke in support of the appellant. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department with the stipulation that the sign project no more than six-feet from the property line.

APPEAL NO.83-270

S.M. SAROYAN, Appellant vs. POLICE DEPARTMENT, Respondent

Protesting issuance on December 1, 1983, to Richard V. Lee, dba "Lulu's Oriental Bath House," permit for massage establishment at 473 Pine Street.

Papers notifying permit holder of appeal were mailed to the wrong address. They were returned to the Board office December 20, 1983. Upon request of permit holder, case continued to January 11, 1984.

APPEAL NO. 83-274

JOHN C. WALKER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
ZONING ADMINISTRATOR DISAPPROVAL

Determination of the Zoning Administrator on December 5, 1983, disapproving building permit application for new construction at 2980 Broadway. APPLICATION NO. 8307646.

At request of appellant, case continued to January 4, 1984.

MINUTES OF THE BOARD OF PERMIT APPEALS HEARING OF DECEMBER 21, 1983.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 6:34 p.m.

DATE: December 21, 1983

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN F[illegible], CA 94102

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